

FEDERAL REGISTER

VOLUME 32 • NUMBER 234

Tuesday, December 5, 1967 • Washington, D.C.

Pages 17417-17461

(Part II begins on page 17453)

Agencies in this issue—

The President
Agriculture Department
Atomic Energy Commission
Consumer and Marketing Service
Customs Bureau
Federal Aviation Administration
Federal Communications Commission
Federal Crop Insurance Corporation
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Health, Education, and Welfare
Department
Interior Department
Interstate Commerce Commission
Land Management Bureau
Packers and Stockyards
Administration
State Department

Detailed list of Contents appears inside.



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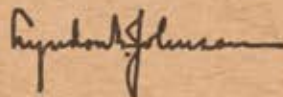
Title 3—THE PRESIDENT

Executive Order 11383

INSPECTION OF INCOME, EXCESS-PROFITS, ESTATE, AND GIFT TAX RETURNS BY THE SENATE SELECT COMMITTEE ON STANDARDS AND CONDUCT

By virtue of the authority vested in me by section 55(a) of the Internal Revenue Code of 1939, as amended (53 Stat. 29, 54 Stat. 1008; 26 U.S.C. (1952 Ed.) 55(a)), and by section 6103(a) of the Internal Revenue Code of 1954, as amended (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, excess-profits, estate, or gift tax return for the years 1948 to 1968, inclusive, shall, during the Ninetieth Congress, be open to inspection by the Senate Select Committee on Standards and Conduct, or any duly authorized subcommittee thereof, in connection with its investigation of allegations that members, officers, or employees of the Senate have engaged in improper conduct, violated the law, or violated the rules and regulations of the Senate in connection with the performance of their duties, pursuant to Senate Resolution 338, 88th Congress, agreed to July 24, 1964. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.



THE WHITE HOUSE,

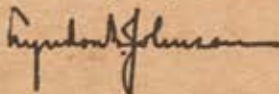
November 30, 1967.

[F.R. Doc. 67-14203; Filed, Dec. 1, 1967; 1:18 p.m.]

Executive Order 11384**PLACING AN ADDITIONAL POSITION IN LEVEL V OF THE FEDERAL
EXECUTIVE SALARY SCHEDULE**

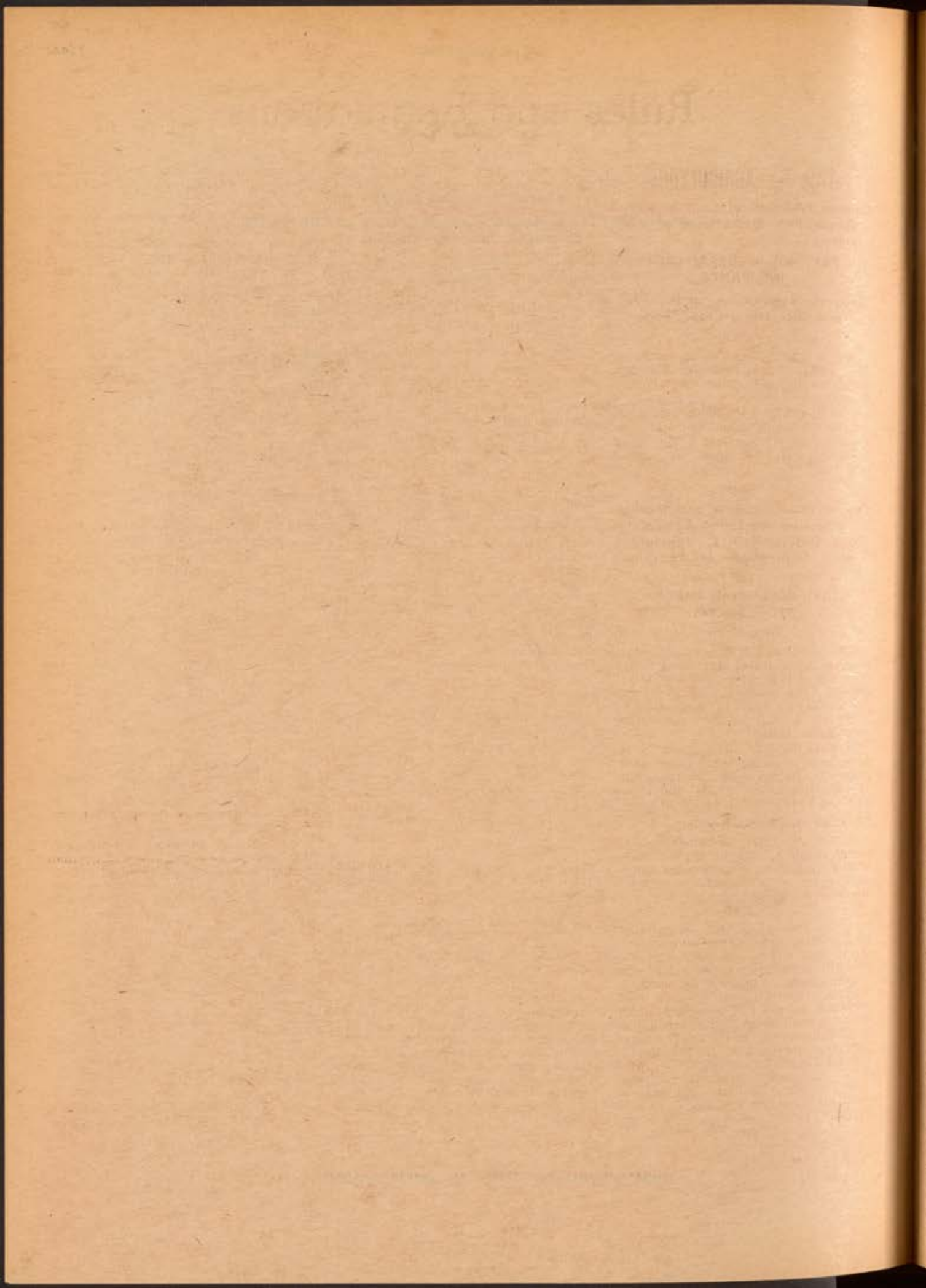
By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, and as President of the United States, section 2 of Executive Order No. 11248 of October 10, 1965, as amended, is further amended by adding thereto the following:

(17) Director, United States Secret Service, Treasury Department.



THE WHITE HOUSE,
December 1, 1967.

[F.R. Doc. 67-14226; Filed, Dec. 4, 1967; 9:48 a.m.]



Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

Correction

In F.R. Doc. 67-13666, appearing at page 15911 of the issue for Tuesday, November 21, 1967, make the following changes:

1. In line 38 of § 401.103(a), the word "countries" should read "counties".
2. In § 401.111, section 6 line 1 of paragraph (c), the word "to" should read "the".

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 9, Amdt. 1]

PART 944—FRUIT; IMPORT REGULATIONS Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the provisions of paragraph (a) of Grapefruit Regulation 9 (§ 944.105, 32 F.R. 12938) are hereby amended as follows:

In § 944.105 the introductory paragraph and subparagraph (2) of paragraph (a) are amended. Subparagraph (3) of paragraph (a) is added. As amended § 944.105(a) is set forth below:

§ 944.105 Grapefruit Regulation 9.

(a) On and after December 4, 1967, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(2) Seedless grapefruit, other than pink seedless, shall grade at least Improved No. 2 and be of a size not smaller than $3\frac{3}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Grapefruit. ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.)

(3) Pink seedless grapefruit shall grade at least Improved No. 2 and be of a size not smaller than $3\frac{3}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of pink seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Grapefruit.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that herein-after specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under amended Grapefruit Regulation 66 (§ 905.495); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

(Secs. 1-19, 48 Stat. 3), as amended; 7 U.S.C. 601-674)

Dated, November 30, 1967, to become effective December 4, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.R. Doc. 67-14159; Filed, Dec. 4, 1967;
8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 224—DISCOUNT RATES

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purposes of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal reserve bank of—	Rate	Effective
Boston	4½	Nov. 20, 1967
New York	4½	Do.
Philadelphia	4½	Nov. 21, 1967
Cleveland	4½	Nov. 20, 1967
Richmond	4½	Do.
Atlanta	4½	Do.
Chicago	4½	Do.
St. Louis	4½	Nov. 27, 1967
Minneapolis	4½	Nov. 20, 1967
Kansas City	4½	Do.
Dallas	4½	Do.
San Francisco	4½	Do.

2. Section 224.3 is amended to read as follows:

§ 224.3 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal reserve bank of—	Rate	Effective
Boston	5	Nov. 20, 1967
New York	5	Do.
Philadelphia	5	Nov. 21, 1967
Cleveland	5	Nov. 20, 1967
Richmond	5	Do.
Atlanta	5	Do.
Chicago	5	Do.
St. Louis	5	Nov. 27, 1967
Minneapolis	5	Nov. 20, 1967
Kansas City	5	Do.
Dallas	5	Do.
San Francisco	5	Do.

3. Section 224.4 is amended to read as follows:

§ 224.4 Advances to persons other than member banks.

The rates for advances to individuals, partnerships, or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal reserve bank of—	Rate	Effective
Boston	5½	Nov. 20, 1967
New York	5½	Do.
Philadelphia	5½	Nov. 21, 1967
Cleveland	5½	Nov. 20, 1967
Richmond	5½	Do.
Atlanta	5½	Do.
Chicago	5½	Do.
St. Louis	5½	Nov. 27, 1967
Minneapolis	5½	Nov. 20, 1967
Kansas City	5½	Do.
Dallas	5½	Do.
San Francisco	5½	Do.

For the reasons and good cause found as stated in § 224.7, there is no notice.

public participation, or deferred effective date in connection with this action. (12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 357)

Dated at Washington, D.C., this 24th day of November 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-14131; Filed, Dec. 4, 1967;
8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 8381; Amdt. 39-520]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1-11 200 Series Airplanes

Amendment 39-482 (32 F.R. 13115), AD 67-26-1, requires the yaw damper to be operating at all times during flight or that it be deactivated, and that an appropriate placard be placed near the yaw-damper control switch on British Aircraft Corp. Model BAC 1-11 200 Series airplanes. Since the issuance of the AD, the FAA has determined that the yaw-damper control may be operated in accordance with approved airplane flight manual procedures after the yaw-damper actuator has been adjusted in accordance with BAC 1-11 Service Bulletin No. 27-PM 3291, or an FAA-approved equivalent; the Elliotts Co. torque motor type 130/6P has been modified in accordance with BAC 1-11 Service Bulletin No. 27-PM 3191 or an FAA-approved equivalent; sealant has been applied to the inside surface of the torque motor mounting access plates, and if there is a $\frac{3}{8}$ -inch diameter dowel access hole in the mounting, the hole has been closed with a suitable aluminum alloy plug. Therefore the AD is being amended to provide that the yaw-damper may be operated in accordance with approved airplane flight manual procedures after these modifications and adjustments are accomplished.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-482 is amended as follows:

1. By amending the lead-in paragraph to read as follows:

To prevent unwanted rudder actuation as a result of yaw-damper control valve drift when electrically deenergized, comply with either paragraph (a), (b), or (c).

2. By adding after paragraph (b) new paragraphs (c) and (d) reading as follows:

(c) Adjust and modify the yaw-damper control as follows:

(1) Adjust the yaw-damper actuator Boulton Paul Part No. P 185-45-10 to provide one degree bias between the torque motor and the rotary hydraulic control valve of the unit in accordance with BAC 1-11 Service Bulletin No. 27-PM 3291, or later ARB-approved issue, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

(2) Modify the Elliotts Co. torque motor type 130/6P to incorporate Boulton Paul Modification Nos. P185/11 or P185/15, in accordance with BAC 1-11 Service Bulletin No. 27-PM 3191 or later ARB-approved issue, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

(3) Apply sealant, Midlands Silicones LTD. cold-cure silastomer K9160, or an FAA-approved equivalent, to the inside surfaces of the torque motor mounting access plates on final assembly and plug the $\frac{5}{32}$ -inch diameter dowel access hole, if present in the mounting, with a suitable aluminum alloy plug, in accordance with BAC 1-11 Service Bulletin No. 27-PM 3193 or later ARB-approved issue, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

(d) When the adjustments and modifications set forth in paragraph (c) are accomplished, any placards installed in accordance with paragraphs (a) and (b) may be removed.

This amendment becomes effective December 5, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on November 29, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-14139; Filed, Dec. 4, 1967;
8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-SW-77]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Beeville, Tex., control zone.

The NAAS Beeville VOR is scheduled for decommissioning on December 1, 1967, and it is therefore necessary to amend the Beeville, Tex., control zone by revoking the controlled airspace which was based on the NAAS Beeville VOR.

Since this amendment lessens the burden on the public, notice and public procedures hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 1, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2007) the Beeville, Tex., control zone is amended by deleting "and within 2 miles each side of the NAAS Beeville VOR 349° radial, extending from the 5-mile radius zone to 12 miles N of the VOR."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on November 24, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-14140; Filed, Dec. 4, 1967;
8:46 a.m.]

[Airspace Docket No. 67-CE-108]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On pages 13006 and 13007 of the FEDERAL REGISTER dated September 13, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Marion, Ind., control zone and transition area.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments. Ten comments were received, one of which concurred with the proposal. The other nine comments voiced objections to the proposal on the ground that the proposed VOR public use instrument approach procedure for runway 33 at the Marion Municipal Airport conflicted with the public use instrument approach procedures for Runway 14-32 at the Muncie, Ind., airport. The objectors felt that this conflict would cause unnecessary delays for aircraft executing the public use instrument approach procedures at the busier Muncie Municipal Airport. One commentator advised that the Muncie aviation authorities are planning to extend Runway 14-32 to 6,500 feet for possible installation of an instrument landing system.

In reply to these comments, the agency wishes to advise that the new public use instrument approach procedures for Marion Municipal Airport have been in existence for a number of years as private use instrument approach procedures accommodating air carrier operations at this airport without adversely affecting IFR air traffic at Muncie. In connection with this proposal, coordination procedures have been developed between the Bunker Hill AFB RAPCON and the Indianapolis ARTC Center to provide compatible instrument operations at both airports. These procedures are currently contained in a Letter of Agreement between the RAPCON and the Center. In addition, the Muncie Control Tower has been provided with coordination procedures to effectively handle special VFR operations within the Muncie control zone. Also, adequate land line communications are provided between the Indianapolis Center, the Bunker Hill AFB

RAPCON, and Muncie Tower to effectively coordinate a safe and efficient movement of air traffic. Finally, the agency cannot foresee any adverse effect on the future expansion and development of the Muncie Municipal Airport by the addition of the two instrument approach procedures at Marion, Ind.

In consideration of the foregoing, the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall become effective 0001 e.s.t., February 1, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on November 15, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

1. In § 71.171 (32 F.R. 2071), the following control zone is amended to read:

MARION, IND.

Within a 5-mile radius of Marion Municipal Airport (latitude 40°29'25" N., longitude 85°40'40" W.), and within 2 miles each side of the Marion VOR 042°, 155°, and 211° radials extending from the 5-mile radius zone to 8 miles northeast, southeast, and southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

2. In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

MARION, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marion Municipal Airport (latitude 40°29'25" N., longitude 85°40'40" W.), and within 2 miles each side of the Marion VOR 042°, 155°, 211°, and 320° radials extending from the 5-mile radius area to 8 miles northeast, southeast, southwest, and northwest of the VOR.

[P.R. Doc. 64-14141; Filed, Dec. 4, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SW-81]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the College Station, Tex., control zone and transition area. This action is necessary as the College Station VOR is temporarily out of service pending its conversion to a VORTAC facility. During this interim, a radio beacon has been installed at the VOR site and will be used to provide the IFR capability for Easterwood Field until, on, or about February 1, 1968. Since the radio facilities are collocated, references and bearings in the description will be based on the coordinates of the facility site, i.e., lat. 30°36'17" N., long. 96°25'13" W.

As there will be a control zone extension based on the RBN and as the 700-foot portion of the transition area is

herein canceled in its entirety, the airspace requirements and affects are considered to be of a minor nature and will not cause an undue hardship or burden on the public. In light of the urgency to provide airspace necessary to accommodate IFR approach/departure operations in the College Station, Tex., terminal area, the amendment will be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (32 F.R. 2084) the College Station, Tex., control zone is amended to read:

Within a 5-mile radius of Easterwood Field, College Station, Tex. (lat. 30°35'00" N., long. 96°22'00" W.), and within 2 miles each side of the 287° bearing from lat. 30°36'17" N., long. 96°25'13" W., extending from the 5-mile radius zone to 8 miles west of lat. 30°36'17" N., long. 96°25'13" W. and within 2 miles each side of the 307° bearing from lat. 30°36'17" N., long. 96°25'13" W., extending from the 5-mile radius zone to 9 miles west of lat. 30°36'17" N., long. 96°25'13" W.

In § 71.181 (32 F.R. 2170) the College Station, Tex., transition area is amended to read:

That airspace extending upward from 1,200 feet above the surface within 8 miles south and 5 miles north of a 107° bearing from lat. 30°36'17" N., long. 96°25'13" W., extending from lat. 30°36'17" N., long. 96°25'13" W. to 7 miles east; and within 5 miles each side of a 124° bearing from lat. 30°36'17" N., long. 96°25'13" W., extending from lat. 30°36'17" N., long. 96°25'13" W. to 23 miles southeast.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on November 24, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[P.R. Doc. 67-14142; Filed, Dec. 4, 1967; 8:46 a.m.]

[Airspace Docket No. 67-WE-71]

PART 73—SPECIAL USE AIRSPACE
Designation of Period of Use for Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to designate a period of use for Restricted Area R-6410 at Blanding, Utah.

On May 13, 1966, a rule designating Restricted Area R-6410 at Blanding, Utah, was published in the FEDERAL REGISTER (31 F.R. 7032). The time of designation for this restricted area was established as follows:

Time of designation: Continuous, June 23, 1966, through August 15, 1966. All subsequent firing periods will be designated by a rule published in the FEDERAL REGISTER.

Since it was not possible to determine the exact dates that R-6410 would be needed each year when designation of the area was first requested, it was determined, as set forth above, to establish subsequent firing periods by a rule published in the FEDERAL REGISTER.

Since this amendment is made in accordance with the procedures set forth in the notice and previous rule, additional notice and public procedure hereon are unnecessary.

Therefore, action is taken herein to amend Part 73 of the Federal Aviation Regulations, effective 0001 e.s.t., February 1, 1968, as hereinafter set forth.

In § 73.64 (32 F.R. 2332, 31 F.R. 15799, 32 F.R. 3219, 5769), the Blanding, Utah, Restricted Area R-6410 is amended by deleting the present time of designation and substituting the following therefor:

Time of designation: Continuous, February 15, 1968, through December 15, 1968. All subsequent firing periods will be designated by a rule published in the FEDERAL REGISTER.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 24, 1967.

H. B. HELSTROM,
Acting Director, Air Traffic Service.

[P.R. Doc. 67-14143; Filed, Dec. 4, 1967; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1267]

PART 13—PROHIBITED TRADE PRACTICES

John K. Burch Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods*: 13.30-75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements*: 13.73-90 Textile Fiber Products Identification Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*: 13.1108-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*: 13.1845-70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, John K. Burch Co. et al., Southwest Grand Rapids, Mich., Docket C-1267, Nov. 14, 1967]

In the Matter of John K. Burch Co., a Corporation, and John L. Kirchhoff, Thomas C. Zoellner, and Armand F. Burch, Individually and as Officers of Said Corporation

Consent order requiring a Grand Rapids, Mich., wholesaler of upholstery fabrics to cease misbranding and falsely advertising its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents John K. Burch Co., a corporation, and its officers, and John L. Kirchhoff, Thomas C. Zoellner, and Armand P. Burch, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix labels to such textile fiber products showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Placing nonrequired information on labels in such a manner as to minimize, detract from, or conflict with the required information or to be false or deceptive as to fiber content.

4. Using a generic name or fiber trademark on any label, whether required or nonrequired, without making a full and complete fiber content disclosure in accordance with the Act and the rules and regulations thereunder the first time such generic name or fiber trademark appears on the label.

5. Using the generic names of fibers in nonrequired information on any label in such a manner as to be false, deceptive, or misleading as to fiber content or to indicate, directly or indirectly, that such textile fiber products are composed wholly or in part of a particular fiber, when such is not the case.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations, directly or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, or label or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, in the manner and form required except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in advertisements without a full disclosure of the required content information in at least one instance in the said advertisement.

3. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type of lettering of equal size and conspicuousness.

4. Using the generic name of a fiber in advertising textile fiber products in such a manner as to be false, deceptive or misleading as to fiber content or to indicate, directly or indirectly, that such textile fiber products are composed wholly or in part of such fiber when such is not the case.

5. Failing to set forth all parts of the required information in advertisements of textile fiber products in immediate conjunction with each other in legible and conspicuous type or lettering of equal size and prominence.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 14, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-14133; Filed, Dec. 4, 1967;
8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-276]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Coffee Import Quotas for Nonmember Countries of International Coffee Agreement

NOVEMBER 29, 1967.

The Treasury Department has been informed by the Department of State that the International Coffee Council has adopted Resolution No. 141 which continues the limitations of Article 45(2) of the International Coffee Agreement of 1962 (14 UST 1911) to imports of coffee produced in nonmember countries, whereby importing member countries are required to limit their annual imports from nonmember countries to a quantity not in excess of their average annual imports from such countries during the last 3 years prior to the entry into force of the Agreement (1960, 1961, and 1962).

Since November 15, 1966, Honduras, Kenya, Liberia, and several smaller pro-

ducers have become members of the Agreement and subject to the requirements applicable to member countries, and the status of Portuguese overseas territories other than Angola has been changed so that they are to be treated like member countries. Consequently, the coffee import quotas for Honduras, Kenya, and Liberia are being deleted, and the amount of the basket quota to which coffee produced in nonmember countries not allocated a specific quota is charged is being reduced.

The Department of State has also requested that the annual quotas be divided into two 6-month periods. Any part of the quota not filled during the first 6-month period may be filled during the second 6-month period. This is for the convenience of importers, as it will simplify import scheduling and reduce the potential loss in the event that coffee arrives in excess of the quota and must be stored in a foreign-trade zone until the next quota period opens.

Section 12.71 (a) and (b) of the Customs regulations is accordingly amended to read as follows:

§ 12.71 Import quotas on coffee produced in nonmember countries of the International Coffee Organization.

(a) The following import quotas for the 12-month period beginning on November 15 in any year on coffee, expressed in pounds of green coffee, produced in nonmember countries of the International Coffee Organization are established pursuant to article 45(2) of the International Coffee Agreement for the following countries. Not more than 50 percent of the amount of each quota may be entered during the first 6 months of the year (November 15–May 14).

Country	Quota in pounds of green coffee
Bolivia	1,850,800
Guinea	1,454,200
Paraguay	2,644,000
Yemen	1,850,800

(b) All coffee not specifically identified as a product of or shipment from a member country and not charged to the quota of one of the countries listed in paragraph (a) of this section shall be charged to an annual basket quota of 4,228,024 pounds of green coffee, not more than 50 percent of which may be entered during the first 6 months of the year (November 15–May 14). Coffee from any of the countries named in paragraph (a) of this section shall be charged to the basket quota during each 6-month period after the quota for that country has been filled.

(Sec. 2(1), 79 Stat. 112; 19 U.S.C. 1356a(1); E.O. 11229, June 14, 1965, 30 F.R. 7741)

Effective date. This amendment shall become effective as of November 15, 1967.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: November 24, 1967.

TRUE DAVIS,
Assistant Secretary
of the Treasury.

[F.R. Doc. 67-14166; Filed, Dec. 4, 1967;
8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4328]

[Utah 2945]

UTAH

Addition to National Forest

By virtue of the authority contained in the act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315-g1), it is ordered as follows:

Subject to valid existing rights, the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the Manti-LaSal National Forest, and hereafter shall be subject to all laws and regulations applicable to said national forest:

SALT LAKE MERIDIAN

T. 19 S., R. 7 E.,
Sec. 8, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 120 acres in Emery County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 27, 1967.

[F.R. Doc. 67-14135; Filed, Dec. 4, 1967;
8:45 a.m.]

[Public Land Order 4334]

[Idaho 1599]

IDAHO

Withdrawal for Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for an administrative site for the Challis and Sawtooth National Forests:

BOISE MERIDIAN

STANLEY ADMINISTRATIVE SITE

T. 10 N., R. 13 E.,
Sec. 22, lot 7, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described aggregate 66.26 acres in Custer County.

2. The withdrawal made by paragraph 1 of this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative re-

sources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 29, 1967.

[F.R. Doc. 67-14136; Filed, Dec. 4, 1967;
8:45 a.m.]

[Public Land Order 4335]

[Riverside 07521]

CALIFORNIA

Withdrawal for Protection of National Forest Watershed and Recreation Area (Castaic Reservoir)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

SAN BERNARDINO MERIDIAN

ANGELES NATIONAL FOREST

T. 5 N., R. 16 W.,
Sec. 3, lots 1, 2, 6, W $\frac{1}{2}$ of lot 7, lot 8, and N $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 6, lot 8, S $\frac{1}{2}$ of lot 9, lot 13, and SE $\frac{1}{4}$;
Sec. 8, E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 9, NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 17, N $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$.

T. 6 N., R. 16 W.,
Sec. 33, SE $\frac{1}{4}$ (unsurveyed);

Sec. 35, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ (unsurveyed).

T. 6 N., R. 17 W.,
Sec. 22, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 1,959.62 acres in Los Angeles County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 29, 1967.

[F.R. Doc. 67-14137; Filed, Dec. 4, 1967;
8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17377; FCC 67-1298]

PART 97—AMATEUR RADIO SERVICES

Station Identification Requirements

Report and order. 1. On April 20, 1967, the Commission released a notice of proposed rule making to revise the station identification requirements for amateur

radio stations. The notice was duly published in the FEDERAL REGISTER on April 25, 1967 (32 F.R. 6409) and all formal comments filed in response thereto have been carefully considered by the Commission.

2. The proposed rule changes in this docket basically contemplate the relaxation and simplification of amateur station identification procedures by elimination of those present requirements which are considered to be excessive to the Commission's enforcement effort and burdensome to licensees. Seventeen formal comments were submitted in this proceeding. Fourteen of these, including the comments of the American Radio Relay League, Inc., supported the proposals. The three opposition comments were based upon the belief that the proposed relaxation of station identification requirements would unduly amplify or create monitoring and enforcement difficulties.

3. The issue raised in the opposition comments was necessarily taken into consideration by the Commission before initiating this proceeding. It is realized that situations will continue to arise when the identification requirements will not prove sufficient. These situations, however, are rather rare and, in most instances, could not be served by any reasonable requirements. In the Commission's view, the identification requirements need not be complicated to cater to these unusual circumstances with the resultant burden to licensees. The proposals in this docket, therefore, reflect only those rule changes which, after extensive studies, were found to be consistent with monitoring and investigative needs in meeting the conditions of normal amateur radio communications. Other possibilities, such as elimination of the identification of the receiving station or further relaxation of identification requirements during brief transmissions, were rejected as being restrictive to the Commission's enforcement tasks.

4. Essentially, the comments in support of the proposals consider the rule changes to be timely and desirable and they urge their prompt adoption. A few of these comments request that we further relax identification by providing that for exchanges of less than 2 minutes, such as those normally employed in network activities and competitive events, transmission of the call sign of the sending station and of the station with which contact is made need be accomplished only once. As indicated in the preceding paragraph, consideration was given to an exception of this nature. However, it was determined that such a provision would be inconsistent with the Commission's need for standardization in amateur identification. Furthermore, under the suggestion, it would be quite likely that Commission monitoring personnel would intercept an exchange after the single identification was given and then be unable to identify the stations involved. For at least these reasons, this additional proposal is denied.

5. After consideration of all of the factors which have been presented and for the reasons set forth herein and in

the notice of proposed rule making, the Commission finds that revision of the amateur radio station identification requirements as proposed is in the public interest, convenience and necessity. Therefore, it is concluded that the proposed rule changes should be adopted with the following minor modifications.

6. A number of the supporting comments indicate the need for certain clarifications. There appears to be some confusion as to whether a radioteleprinter station will be required to identify the receiving station. In the present rule § 97.87, radioteleprinter stations are exempted from this requirement and it is intended that this exemption continue to apply. The language of the proposed § 97.87(a) has been modified accordingly. Further, to eliminate any possible ambiguity, the provision of proposed § 97.87(a) which states that additional identification is required "every 10 minutes" is being modified to read "at intervals not to exceed 10 minutes". Finally, it is noted that, although the proposed § 97.87 eliminates the present requirement for the use of such supplementary identification phrases as "de", "from", or "this is", the usage of these terms and similar phrases is permitted and encouraged.

7. Authority for the revision set forth below is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Therefore, it is ordered, That, effective January 15, 1968, § 97.87 of the Commission's rules is revised as set forth below.

8. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: November 29, 1967.

Released: November 30, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

Part 97 of the Commission's rules is amended as follows:

Section 97.87 is revised to read as follows:

§ 97.87 Station identification.

(a) An amateur station shall be identified by the transmission of its call sign at the beginning and end of each single transmission or exchange of transmissions and at intervals not to exceed ten minutes during any single transmis-

sion or exchange of transmissions of more than 10 minutes duration. Additionally, at the end of an exchange of telegraphy (other than teleprinter) or telephony transmissions between amateur stations, the call sign (or the generally accepted network identifier) shall be given for the station, or for at least one of the group of stations, with which communication was established.

(b) When an amateur station is operated as a portable or mobile station, the operator shall give the following additional identification at the end of each single transmission or exchange of transmissions:

(1) When identifying by telegraphy, the fraction-bar DN followed by the immediately after the call sign, transmit number of the call sign area in which the station is being operated.

(2) When identifying by telephony, immediately after the call sign, transmit the word "portable" or "mobile", as appropriate, followed by the number of the call sign area in which the station is being operated.

(c) When an amateur station is operated outside of the 10 call sign areas prescribed in § 97.51(b) and outside of the jurisdiction of a foreign government, the operator shall give the following additional identification at the end of each single transmission or exchange of transmissions:

(1) When identifying by telegraphy, immediately after the call sign, transmit the fraction-bar DN followed by the designator R 1, R 2, or R 3, to show the region (as defined by the International Radio Regulations, Geneva, 1959) in which the station is being operated.

(2) When identifying by telephony, immediately after the call sign, transmit the word "mobile" followed by the designator Region 1, Region 2, or Region 3, to show the region (as defined by the International Radio Regulations, Geneva, 1959) in which the station is being operated.

(d) The identification required by paragraphs (a), (b), and (c) of this section shall be given on each frequency being utilized and shall be transmitted by telegraphy, using the International Morse Code, or by telephony, using the English language. The use of a nationally or internationally recognized standard phonetic alphabet as an aid for correct telephony identification is encouraged.

[F.R. Doc. 67-14170; Filed, Dec. 4, 1967; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Lacreek National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacreek National Wildlife Refuge, Martin, S. Dak., is permitted only on the Little White River Recreational Area and a portion of Waterfowl Management Unit 10, which are designated by signs as open to fishing. These open areas, comprising a total of 710 acres, are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the Little White River Recreational Area extends from January 1, through December 31, 1968, inclusive; daylight hours only.

(2) The open season for sport fishing on the Waterfowl Management Unit No. 10 extends from January 1, through February 29, 1968, inclusive; daylight hours only.

(3) The use of motorized vehicles are not permitted on ice.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1968.

JOHN W. ELLIS,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak.

NOVEMBER 27, 1967.

[F.R. Doc. 67-14134; Filed, Dec. 4, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 911, 915]

[Docket Nos. AO-267-A3, AO-254-A4]

HANDLING OF LIMES AND AVOCADOS

Decision and Referendum Order With Respect to Proposed Further Amendments of Marketing Agreements and Orders

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), a public hearing was held at Homestead, Fla., on June 20, 1967, after notice thereof published in the FEDERAL REGISTER (32 F.R. 7715, 7858) on proposed further amendment of the respective marketing agreements and order (7 CFR Parts 911 and 915) regulating, respectively, the handling of limes grown in Florida and avocados grown in south Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On the basis of the evidence adduced at the hearing and the record thereof, the Acting Deputy Administrator, Consumer and Marketing Service, on October 16, 1967, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (P.R. Doc. 67-12391; 32 P.R. 14560). No exception was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (P.R. Doc. 67-12391; 32 P.R. 14560) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Further amendment of the marketing agreements and orders. Annexed hereto and made a part hereof are documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Limes Grown in Florida," "Order Amending the Order, as Amended, Regulating the Handling of Limes Grown in Florida," "Marketing Agreement, as Amended, Regulating the Handling of Avocados Grown in South Florida," and "Order Amending the Order, as Amended, Regulating the Handling of Avocados Grown in South Florida" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These doc-

uments shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that referenda be conducted:

(1) Among the producers who, during the period April 1, 1966 through March 31, 1967 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, within the production area (as defined in 7 CFR Part 911), in the production of limes for market to ascertain whether such producers favor the issuance of the annexed order amending Order No. 911, as amended (7 CFR Part 911), regulating the handling of such limes; and

(2) Among the producers who, during the period April 1, 1966, through March 31, 1967 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, within the production area (as defined in 7 CFR Part 915), in the production of avocados for market to ascertain whether such producers favor the issuance of the annexed order amending Order No. 915, as amended (7 CFR Part 915), regulating the handling of such avocados.

Minard F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, is hereby designated referendum agent of the Secretary of Agriculture to conduct said referenda.

The procedure applicable to each referendum shall be the "Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 et seq.).

The ballots used in such referenda shall contain a summary describing the terms and conditions of the proposed amendments of the orders, as applicable.

Copies of the aforesaid annexed orders and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referenda, and other necessary forms and instructions, may be obtained from the referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreements, be published in the FEDERAL REGISTER. The respective regulatory provisions of the said marketing agreements are identical

with those contained in the annexed marketing orders which will be published with this decision.

Dated: November 30, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

Order Amending the Order, as Amended, Regulating the Handling of Limes Grown in Florida

§ 911.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Homestead, Fla., on June 20, 1967, upon proposed amendment of the amended marketing agreement and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. Upon the basis of the evidence introduced at the hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of limes grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of limes grown

¹This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

in the production area covered by said order, as amended and as hereby further amended, that make necessary different terms and provisions applicable to different parts of such area;

(5) All handling of limes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is therefore ordered, That, on and after the effective date hereof, all handling of limes grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of said order, as amended and hereby further amended, as follows:

1. Section 911.27 is amended by adding thereto a final sentence reading as follows:

§ 911.27 Alternate members.

* * * In the event both a member and his alternate are unable to attend a committee meeting, the chairman may designate any grower alternate member from the same district who is present, but not serving for any grower member, to serve in such absent grower member's place and stead and any handler alternate member from the same district who is present, but not serving for any handler member, to serve in such absent handler member's place and stead: *Provided*, That grower alternate members or handler alternate members from either district of the production area may be designated to serve for absent grower or handler members, respectively, from the other district only if such designation is necessary to obtain a quorum.

2. Section 911.41(b) is amended to read as follows:

§ 911.41 Assessments.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any finding by the Secretary relative to the expenses which may be incurred: *Provided*, That, in no case shall the rate of assessment exceed 25 cents per bushel, or equivalent quantity, of limes. Such increase shall be applied to all limes handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance.

3. Section 911.42 is amended to read as follows:

§ 911.42 Accounting.

(a) If, at the end of the fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, each person who has paid assessments in excess of his pro rata share of the expenses during any fiscal year shall be credited with such excess against the pro rata expenses of the following year: *Provided*, That any sum paid by a per-

son in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve, consisting of all or any portion of such excess funds, in an amount not to exceed approximately 2 fiscal years' operational expenses. Upon approval by the Secretary, funds in such reserve shall be available for use by the committee for all expenses authorized pursuant to the applicable provisions of this part.

(3) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds will be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this part.

4. Section 911.45 is amended to read as follows:

§ 911.45 Marketing research and development.

(a) The committee may, with the approval of the Secretary, establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of limes. Such projects may include any form of marketing promotion including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to the applicable provisions of this part.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of fruit covered by this part in relation to market requirements;

(2) The supply situation among competing areas and commodities; and

(3) The need for marketing research with respect to any marketing development activity.

(c) If the committee should conclude that marketing research and develop-

ment projects should be undertaken or continued pursuant to this section in any fiscal year, it shall submit the following, as applicable for the approval of the Secretary:

(1) Its recommendation as to funds to be obtained pursuant to the applicable provisions of this part and the rate of assessment required to obtain such funds;

(2) Its recommendation as to any marketing research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

(d) The committee shall submit to the Secretary annual reports summarizing the operations and accomplishments of such marketing research and development projects.

Order Amending the Order, as Amended, Regulating the Handling of Avocados Grown in South Florida

§ 915.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Homestead, Fla., on June 20, 1967, upon proposed amendment of the amended marketing agreement and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida. Upon the basis of the evidence introduced at the hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of avocados grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions

⁴ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

of such production area would not effectively carry out the declared policy of the act:

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area covered thereby as are necessary to give due recognition to the differences in production and marketing of the avocados covered thereby; and

(5) All handling of avocados, grown in the production area, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is therefore ordered, That, on and after the effective date hereof, all handling of avocados grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of said order, as amended and hereby further amended, as follows:

1. Section 915.27 is amended by adding thereto a final sentence reading as follows:

§ 915.27 Alternate members.

*** In the event both a member and his alternate are unable to attend a committee meeting, the chairman may designate any grower alternate member from the same district who is present, but not serving for any grower member, to serve in such absent grower member's place and stead and any handler alternate member from the same district who is present, but not serving for any handler member, to serve in such absent handler member's place and stead: *Provided*, That grower alternate members or handler alternate members from either district of the production area may be designated to serve for absent grower or handler members, respectively, from the other district only if such designation is necessary to obtain a quorum.

2. Section 915.41(b) is amended to read as follows:

§ 915.41 Assessments.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any finding by the Secretary relative to the expenses which may be incurred: *Provided*, That, in no case shall the rate of assessment exceed 25 cents per bushel, or equivalent quantity, of avocados. Such increase shall be applied to all avocados handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance.

3. Section 915.42 is amended to read as follows:

§ 915.42 Accounting.

(a) If, at the end of a fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph,

each person who has paid assessments in excess of his pro rata share of the expenses during any fiscal year shall be credited with such excess against the pro rata expenses of the following year: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve, consisting of all or any portion of such excess funds, in an amount not to exceed approximately 2 fiscal years' operational expenses. Upon approval by the Secretary, funds in such reserve shall be available for use by the committee for all expenses authorized pursuant to the applicable provisions of this part.

(3) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds will be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this part.

4. Section 915.45 is amended to read as follows:

§ 915.45 Marketing research and development.

(a) The committee may, with the approval of the Secretary, establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of avocados. Such projects may include any form of marketing promotion including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to the applicable provisions of this part.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of fruit covered by this part in relation to market requirements;

(2) The supply situation among competing areas and commodities; and

(3) The need for marketing research with respect to any marketing development activity.

(c) If the committee should conclude that marketing research and development projects should be undertaken or continued pursuant to this section in any fiscal year, it shall submit the following, as applicable for the approval of the Secretary:

(1) Its recommendation as to funds to be obtained pursuant to the applicable provisions of this part and the rate of assessment required to obtain such funds;

(2) Its recommendation as to any marketing research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

(d) The committee shall submit to the Secretary annual reports summarizing the operations and accomplishments of such marketing research and development projects.

[P.R. Doc. 67-14169; Filed, Dec. 4, 1967; 8:48 a.m.]

[7 CFR Part 950]

IRISH POTATOES GROWN IN MAINE
Expenses

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses hereinafter set forth, which were recommended by the Maine Potato Marketing Committee, established pursuant to Marketing Agreement No. 122, as amended, and Order No. 950, as amended (7 CFR Part 950), regulating the handling of Irish potatoes grown in Maine. This is a regulatory program issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 30th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 950.212 Expenses.

(a) The reasonable expenses that are likely to be incurred by the Maine Potato Marketing Committee, established pursuant to Marketing Agreement No. 122 and this part (Order No. 950), both as amended, to enable such committee to perform its function under provisions of the amended marketing agreement and order during the fiscal period ending August 31, 1968, will amount to \$1,780.

(b) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: November 30, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-14148; Filed, Dec. 4, 1967; 8:46 a.m.]

[7 CFR Part 993]

[Docket No. AO 201-A6]

DRIED PRUNES PRODUCED IN CALIFORNIA

Decision and Referendum Order With Respect to Proposed Amendment of Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at San Francisco, Calif., on April 17 through 19, 1967, after notice thereof was published in the FEDERAL REGISTER (32 F.R. 5556) on proposals to amend the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California (hereinafter collectively referred to as the "order"). The amended marketing agreement and the amended order are effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the act.

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on July 14, 1967, with the Hearing Clerk, U.S. Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 67-8293; 32 F.R. 10579). As a result of a request from the Prune Administrative Committee (hereinafter referred to as the "committee"), the agency established pursuant to the order, notice was published in the FEDERAL REGISTER (F.R. Doc. 67-8992; 32 F.R. 11233) extending the time to and including November 1, 1967, for filing written exceptions to the recommended decision.

Material issues, findings and conclusions, rulings, and general findings. The material issues, findings and conclusions, rulings, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 67-8293; 32 F.R. 10579) are hereby approved and adopted as the material issues, findings and conclusions, rulings, and the general findings of this decision as if set forth in full herein, except as they are modified by the rulings on the exceptions hereinafter set forth.

Rulings on exceptions. Exceptions to the recommended decision were filed,

within the prescribed time, by R. W. Jewell for the committee; by Allan Grant for the California Farm Bureau Federation; by R. H. Engell for the Del Monte Corp.; by A. L. Baritelli; by M. E. Benson; by Walter L. Boyd; by L. E. Guinivere; by Andy Herman; by Ken Lindauer for the Seven Oaks Orchard; by William E. and Stephen E. Sexton; and by William G. Tevendale. These exceptions have been considered carefully and fully, in conjunction with the evidence in the record and the proposed findings and conclusions of the recommended decision, in arriving at the findings and conclusions set forth herein. To any extent that the findings and conclusions contained herein are at variance with any of the exceptions pertaining thereto, such exceptions are denied on the basis of the findings and conclusions relating to the issues to which the exceptions refer.

The exceptions, and the rulings thereon, are as follows:

Exceptions were taken to the recommended decision because no provisions were made in proposed § 993.44 for adjustment of the base quantity of any producer with immature prune plum trees permanently interplanted with other prune plum trees as of the effective date of that section. Interplanting is the practice of denser planting of trees without removal of standing trees to improve yield by increasing the number of trees per acre and thereby tending to reduce production cost per unit. An exceptor contended that, in order to determine a fair and equitable base quantity, recognition should be given to tree density; i.e., number of trees per acre. The exceptor contended that denser planting of trees per acre over the old standard spacing is a progressive method of prune production and should be considered in determining base quantities when it can be shown that the interplanted trees are intended to be farmed on a denser basis. The recommended decision recognizes that producers with immature prune plum trees planted in blocks as of the effective date of § 993.44; or who are rotating a block or all of a bearing orchard to younger trees, would have sales during the representative period not representative of the sales levels of wholly mature orchards. To enable such producers to have annual allotments reasonably comparable to those of producers with mature orchards, proposed § 993.44 specifies how a base quantity would be determined for such a producer. While the recommended decision did not provide adjustments for producers with immature trees interplanted with other prune plum trees as of the effective date of § 993.44, there is merit in providing a means of making adjustments for such producers, to recognize their production commitment and investment. Hence, the exceptions are granted.

Since producers engaged in a rotation program may also be increasing tree density for the purpose of improving sales levels per acre, the principle of recognizing tree density (in computing adjustments in base quantities for interplanted

orchards) should also apply to rotations resulting in greater density of trees. Consistent with the evidence of record and the recommended decision, any such adjustments should be applicable only to acreage rotated before the effective date of the program.

In view of granting these exceptions, the phrase "or interplanting" is inserted in the recommended decision at the end of the second sentence, seventeenth paragraph of Material Issue (6) (32 F.R. 10582, 10584); and the last sentence in the twenty-third paragraph (32 F.R. 10585) of that material issue is revised to read as follows: "Also, denser planting of trees, without removal of standing trees, should not be considered rotation but interplanting." Further, a new paragraph is inserted after the twenty-seventh paragraph (32 F.R. 10585) of Material Issue (6), to wit:

"New § 993.44 should also provide that adjustment in the base quantity of any producer to recognize the sales levels from increased density of planting arising from interplants in orchards or greater density of planting in the course of rotation, both occurring before the effective date of this section, shall be made by the committee when it has established, with the approval of the Secretary, methods of computing the appropriate adjustment. No such adjustment, however, shall result in a total base quantity exceeding the producer's productive capacity, as determined by the committee, when all trees are mature. Thus, initial computation of all base quantities would be done pursuant to § 993.44(a); and any adjustment in base quantities to reflect increased density occurring from interplanting or in rotation would occur when the committee, with the approval of the Secretary, has established methods for computation of such adjustment. As a practical matter it is visualized that the committee would, during the period before base quantities are established, have opportunity to study the factors necessary to formulate—and would formulate—methods of adjustment; and the Secretary would complete rule making activities on such methods of adjustment prior to issuance of base quantities." Section 993.44 is revised accordingly.

An exception was taken to the recommended decision because it did not specifically provide for a producer using surplus prunes by him carried over into the succeeding crop year, on his premises, in filling his annual allotment of such year. However, such is not precluded by the recommended decision because annual allotments are in terms of crop year in lieu of crop; and thus a producer could choose to use carried over prunes as well as new crop to fill an annual allotment. To clarify this matter, however, the following sentence is inserted after the fifth sentence, first paragraph of Material Issue (7) (32 F.R. 10586) in the recommended decision: "Since annual allotments are in terms of crop year in lieu of crop, a producer could use surplus prunes carried over into the succeeding crop year, on his premises, to fill his annual allotment for such succeeding crop

year." Further, the penultimate sentence in that paragraph is amended by changing "However," to "Moreover,"; and the last sentence of that paragraph is revised to read: "Therefore, § 993.46 should also provide that any producer may hold surplus prunes of his own production on his own premises, may dispose of such prunes in his own livestock feeding or other farming operation; and, prior to or after January 15, may deliver such prunes to the committee or its designees for inclusion in the surplus pool." Section 993.46 is revised accordingly.

Exceptions were taken to the proposed producer allocations being authorized by section 8c(6)(B) of the act (7 U.S.C. 608c(6)(B)), and that such allocations constitute acreage or production control. Section 8c(6)(B), by its clear and unambiguous language, is manifest in its authorization of producer allotment programs in marketing orders concerned with agricultural commodities other than milk. The program proposed in the recommended decision provides a method of allotment applicable to the dried prune industry, and the allotments are in terms of volume to be marketed in normal dried prune commercial outlets. It does not restrict prune plum acreage nor the sale of prune plums in other outlets. Accordingly, the exceptions are denied.

Exceptions were also submitted which questioned the need for the proposed allotment provisions. Exceptors advanced such contentions as there being ample reason to believe that larger prune crops (i.e., larger than the total amount handlers may purchase from, or handle on behalf of producers) can be sold; producer allotments would gradually reduce production to enhance prices, resulting in losses in domestic and export markets; and producer allotments will seriously damage the prune industry and unnecessarily increase cost of food. These contentions, however, are not well taken inasmuch as the recommended decision has correctly indicated that the proposed program would not permit reduction of supplies below trade demand requirements nor cause, in view of liberal supplies, undue enhancement of price. The exceptions provide no basis for revision of the recommended decision and, hence, are denied.

Exception was taken to the proposed program's apparent encouragement of use of prune plums in fresh juice or other outlets not involving dried prunes, as this would cause problems of competition with dried prunes and of compliance. It cannot be foreseen that an allotment program would encourage the use of prune plums in fresh shipping or juice outlets to such an extent that competition of any significance would, thereby, be created for dried prunes. Moreover, it would appear that the industry would welcome new and alternative uses for its raw product. Further, the need for compliance with Food and Drug Administration standards would effectively prevent the exceptor's indicated wholesale blending of cheap, fresh juice with dried prune juice. Therefore, the exception is denied.

Exceptors indicated that the proposed provisions to eliminate unsound fruit from each producer's creditable weight was inadequate in that it would only exclude certain inedible prunes. It was contended that such proposals would not exclude, for example, sunburned and undeveloped fruit which has fallen from the tree and which, presently, are not picked and delivered in all prune producing sections of the area. During the representative period, in an effort to develop the most favorable possible sales history and thereby obtain a favorable base quantity, it was indicated that producers would tend to pick up and deliver all such prunes. Should this be a problem (the evidence of record being conflicting on this matter), the committee should have authority to restrict the unsound fruit in the prune weight creditable to producers. Therefore, the exception is recognized by including authority in the order for the committee, with the approval of the Secretary, to further restrict the weight of substandard prunes creditable as producer sales during the representative period. Hence, the second sentence, 15th paragraph of Material Issue (6) (32 F.R. 10582, 10584) is revised to read: "Therefore, the section should also provide that all quantities of prunes attributable to each producer shall be based on weights determined by Public Weighmasters, either total graded weight or delivered weight, and shall be the net prune weight exclusive of foreign material, the weight obligation of § 993.49(c), and such other substandard prunes, or portion(s) thereof, as the committee, with the approval of the Secretary, may designate." In addition, the sixth sentence of that paragraph is revised to read: "Consistent with the objective of obtaining accurate sales data, foreign material contained in prune deliveries, inedible quality prunes in excess of tolerances for which a handler incurs a weight obligation pursuant to § 993.49(c), and such other substandard prunes, or portion(s) thereof, as the committee, with the approval of the Secretary, may designate, should not be credited to a producer's prune weight in computing his base quantity." Section 993.43 is revised accordingly.

A few exceptors contended that, in view of the opposition to producer allotments which manifested itself at the hearing held in San Francisco April 17 through 19, 1967, the recommended decision was issued in disregard of a lack of interest. As indicated in the opening statement by the Hearing Examiner, however, the hearing was convened for the purpose of receiving evidence with respect to the economic and marketing conditions in the prune industry and the provisions of any proposed amendment. It was not to determine the popularity of the proposal. Producer acceptance or rejection of any proposal of this significance is ascertained by referendum. The proposed provisions submitted to producers in a referendum have been concluded upon by the Secretary; and these may differ significantly from those contained in the notice of hearing. Hence producers should be given opportunity to vote on the provisions finalized from the hearing evi-

dence, the subsequent briefs, and the recommended decision and exceptions thereto and rulings thereon.

The remainder of the exceptions either duplicate matters presented at the hearing or are commentaries which, as opposed to the evidence of record, do not provide a basis for revising either the findings or conclusions or the proposed provisions of the recommended decision.

Amendment of the amended marketing agreement and the amended order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Dried Prunes Produced in California" and "Order amending the Order, as Amended, Regulating the Handling of Dried Prunes Produced in California", which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1966, through July 31, 1967 (which period is hereby determined to be a representative period for the purpose of such referendum), have been engaged, in the State of California, in the growing of prune plums for drying or dehydrating into prunes for market, to determine whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of dried prunes produced in California.

Dower T. Mohun, Martin J. Kelly, Keith L. Burkhardt, and Joseph C. Genske, of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (7 CFR Part 900).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Any producer entitled to vote in the referendum who does not receive a copy of the aforesaid annexed order, voting instructions, or a ballot, or other necessary information will be able to obtain the same from any appropriate County Director of Agricultural Extension, or from Dower T. Mohun, San Francisco Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, 630 Sansome Street, San Francisco, Calif. 94111.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the said order, as amended, and as further amended by the annexed order which will be published with this decision.

Dated: November 30, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

*Order Amending the Order, as Amended,
Regulating the Handling of Dried
Prunes Produced in California*

§ 993.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations made in connection with the issuance of the order and each previously issued amendment thereof. Except the finding as to the base period for the parity computation, and except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed. (For prior findings and determinations see 14 F.R. 5254; 16 F.R. 8437; 19 F.R. 1301; 22 F.R. 8254; 26 F.R. 475; 30 F.R. 9797.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat., as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure, as amended (7 CFR Part 900), a public hearing was held at San Francisco, Calif., on April 17 through 19, 1967, on a proposed amendment of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of dried prunes produced in California in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) There are no differences in the production and marketing of dried prunes in the production area covered by the order, as amended and as hereby

further amended, which require different terms applicable to different parts of such area;

(4) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(5) All handling of dried prunes produced in California is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of dried prunes produced in California, shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. A new § 993.4a reading as follows is added immediately after § 993.4:

§ 993.4a Prune plums.

"Prune plums" means those varieties of plums grown in the area for drying or dehydrating and which are covered by §§ 993.6 and 993.7.

2. Section 993.5 is revised to read:

§ 993.5 Prunes.

"Prunes" means and includes all sun-dried or artificially dehydrated prune plums, of any type or variety, produced from prune plums grown in the area, except: (a) Sulfur-bleached prunes which are produced from yellow varieties of prune plums and are commonly known as silver prunes; and (b) prune plums which have not been dried or dehydrated to a point where they are capable of being stored prior to packaging, without material deterioration or spoilage unless refrigeration or other artificial means of preservation are used, and so long as they are treated by a process which is in conformity with, or generally similar to, the processes for treatment of prune plums of that type which have been developed or recommended by the Food Technology Division, College of Agriculture, University of California, for the specialty pack known as "high moisture content prunes," but this exception shall not apply if and when such prune plums are dried to the point where they are capable of being stored without material deterioration or spoilage, refrigeration or other artificial means of preservation.

3. Section 993.6 is revised to read:

§ 993.6 Non-French prunes.

"Non-French prunes" means prunes commonly known as Imperial, Sugar, Robe de Sargent, Burton, Standard, Jefferson, Fellenberg, Italian, President, Giant, and Hungarian (Gross), produced from such varieties of prune plums. This definition may be modified by the committee with the approval of the Secretary.

4. Section 993.7 is revised to read:

§ 993.7 French prunes.

"French prunes" means: (a) Prunes produced from the following varieties of prune plums: French (Prune d'Agen, Petite Prune d'Agen), Coates (Cox, Double X, Saratoga); and (b) any other prunes which possess taste, flesh texture, and other characteristics similar to those of the prunes named in this section.

5. Section 993.13 is revised to read:

§ 993.13 Handle.

"Handle" means to receive, package, sell, consign, transport, or ship (except as a carrier of prunes owned by another person), or in any other way to place prunes, including surplus prunes, in the current of the commerce within the area, from within the area to any point outside thereof, or from any point outside the area to any other point: *Provided*, That, except as provided in § 993.46(a), this term shall not include: (a) Sales or deliveries of prunes by a producer or dehydrator to a producer, dehydrator, or handler within the area; (b) the receiving of prunes by a producer or dehydrator from a producer or dehydrator; and (c) receipts, sales, or shipments of prunes already handled by another person other than transfers pursuant to § 993.50(f).

6. Section 993.14 is revised to read:

§ 993.14 Handler.

"Handler" means any person inside or outside of the area who handles prunes.

7. Section 993.15 is revised to read:

§ 993.15 Dehydrator.

"Dehydrator" means any person who produces prunes by drying or dehydrating prune plums by means of sun-drying or artificial heat.

8. Section 993.16 is revised to read:

§ 993.16 Producer.

"Producer" means any person who is engaged, in a proprietary capacity, in growing prune plums for drying or dehydrating into prunes.

9. Section 993.21c is revised to read:

§ 993.21c Salable prunes.

"Salable prunes" means prunes which are free to be handled pursuant to producer allotments and any salable percentage established by the Secretary.

10. A new § 993.21e reading as follows is added immediately after § 993.21d:

§ 993.21e Marketable quantity.

"Marketable quantity" means the quantity of prunes constituting the total of all producer annual allotments and adequate to meet the estimated total trade demand of a crop year, permit desirable adjustments in carryover, and provide, if deemed desirable, a reserve against a possible short crop in the subsequent crop year.

11. A new § 993.21f reading as follows is added immediately after new § 993.21e:

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 993.21f Base quantity.

"Base quantity" means the number of pounds of prunes, expressed as tons, established by the committee pursuant to § 993.44 for a producer.

12. A new § 993.21g reading as follows is added immediately after new § 993.21f:

§ 993.21g Annual allotment.

"Annual allotment" means, for a crop year and for each producer, the number of pounds of prunes expressed as tons, determined by multiplying the producer's base quantity by the allotment percentage.

13. A new § 993.21h reading as follows is added immediately after new § 993.21g:

§ 993.21h Leaf.

"Leaf" means the age, in years, of a budded or grafted prune plum variety of tree, with the first leaf commencing in the crop year in which the tree is permanently planted and produces leaves.

14. The first sentence of § 993.33 is revised to read:

§ 993.33 Voting procedure.

Decisions of the committee shall be by majority vote of the members present and voting and a quorum must be present: *Provided*, That decisions on marketing policy, grade or size regulations, pack specifications, producer allotments, salable and reserve percentages, and on any matters pertaining to the control or disposition of surplus prunes, of reserve prunes, or to prune plum diversion pursuant to § 993.62, including any delegation of authority for action on such matters and any recommendation of rules and procedures with respect to such matters, including any such decision arrived at by mail or telegram, shall require at least 14 affirmative votes. * * *

Section 993.36 is amended as follows:

15. Paragraph (h) is revised.

16. Paragraph (i) is revised.

Paragraphs (h) and (i) of § 993.36 read as follows:

§ 993.36 Duties.

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the committee, exclusive of surplus prune and reserve prune operations, and to make such statements, together with the minutes of the meetings of said committee, available for inspection at the offices of the committee by producers, dehydrators, and handlers;

(i) To prepare and submit to the Secretary annually, as soon as practicable after the end of each applicable crop year and at such other times as the committee may deem appropriate or the Secretary may request, a statement of the committee's financial operations with respect to surplus prunes for such crop year, as well as a statement of the committee's financial operations with respect to reserve prunes for such crop year, and to make such statements available at the

offices of the committee for inspection by producers, dehydrators, and handlers;

17. Section 993.41 is revised to read:

§ 993.41 Marketing policy.

(a) On or before the fourth Tuesday of the February preceding the first crop year of allotments, and of subsequent Februarys, the committee shall prepare and submit to the Secretary a report setting forth its recommended marketing policy for the ensuing crop year: *Provided*, That in the first year the committee may prepare and submit such report at a later date. In formulating such marketing policy the committee shall consider and shall include in its report to the Secretary, the following estimates (natural condition basis) and recommendations:

(1) The likely carryover of salable prunes as of August 1;

(2) The domestic trade demand in the ensuing crop year by uses of prunes;

(3) The foreign trade demand in the ensuing crop year by countries or groups of countries;

(4) The desirable carryout of salable prunes at the end of the ensuing crop year;

(5) The quantity of prunes in excess of the ensuing crop year's requirements as may be needed to protect against a possible short crop in the subsequent crop year;

(6) The marketable quantity of prunes;

(7) The estimated quantity of prunes that may not be delivered by producers due to productive capacity reductions in annual allotments pursuant to § 993.45(b);

(8) The recommended allotment percentage for the ensuing crop year;

(9) If deemed desirable for market stability, the maximum quantity of prunes to be made available to handlers as salable prunes from the new crop; and

(10) Such other factors as may have a bearing on the marketing of prunes or the administration of this part.

(b) In July, the committee shall convene for the purpose of recommending and beginning with the first year of allotments, reviewing and, if necessary, modifying its marketing policy for the ensuing crop year. A report thereof shall be prepared and submitted on or before the fourth Tuesday of July to the Secretary. In such meeting, the committee shall consider and shall include in its report to the Secretary, in addition to subparagraphs (1) through (4) of paragraph (a) of this section, the following estimates (natural condition basis) and recommendations:

(1) The carryover of reserve prunes as of August 1;

(2) The grade and size composition of the salable and reserve carryovers;

(3) Beginning in the first year of allotments, the production of prunes with allotments and without allotments;

(4) The probable quality of prunes in the crop;

(5) The quantity of prunes to be withheld as reserve prunes so as to protect against errors of estimation and permit orderly marketing of the supply;

(6) The recommended salable and reserve percentages for the ensuing crop year;

(7) The quantity of prune plums and prunes, dried weight basis, likely to be disposed of by diversion or as surplus;

(8) Any recommended change in grade, size or pack regulations pursuant to §§ 993.49 to 993.53 inclusive;

(9) The probable assessable tonnage for the purposes of § 993.81;

(10) The current prices for prunes, the trend and level of consumer income, and whether producer prices are likely to exceed parity; and

(11) Beginning in the first year of allotments, any recommended suspension of the allotment percentage and annual allotments.

(c) The committee shall modify its marketing policy if it becomes advisable at any time because of changed demand, supply, or other conditions and shall report thereon to the Secretary. Notice of the committee's marketing policy, and of any modifications thereof, shall be given promptly by reasonable publicity to producers, dehydrators, and handlers.

§ 993.42 [Redesignated]

18. Section 993.48 *Regulation* is redesignated as § 993.42.

19. A new center heading "Allotment of Marketable Quantity" is inserted immediately following redesignated § 993.42, and new sections reading as follows are added immediately after that heading:

ALLOTMENT OF MARKETABLE QUANTITY

§ 993.43 Preliminary regulation.

Beginning with the 1967-68 crop year, or such later year as the committee may recommend and the Secretary establish, and until a representative period has been determined pursuant to § 993.44, no handler shall handle as the first handler thereof, prunes delivered to him until he has determined the identity of each producer of the prune plums which were dried or dehydrated and so delivered, the county of production, and the quantity of prunes attributable to such producer. The handler shall furnish such information to the committee at such times and in such form as the committee may request. All such quantities of prunes shall be based on weights determined by Public Weighmasters, either total graded weight or delivered weight, and shall be net prune weight exclusive of foreign material, the weight obligation of § 993.49(c), and such other substandard prunes, or portion(s) thereof, as the committee, with the approval of the Secretary, may designate. So that each producer may qualify for a base quantity pursuant to § 993.44, the committee shall furnish each producer of record, early in each calendar year, a form to be filed with the committee whereon the producer reports the location of his orchard(s), the acreage he intends to harvest for

prunes, the maturity of the trees, and such other information as the committee needs to establish a base quantity for such producer.

§ 993.44 Base quantities.

(a) Computation and establishment.

(1) If the Secretary finds that the 1967-68 through 1970-71 crop year, or a period beginning 1 or more year(s) later than 1967-68, but not less than a 3-year period, constitute a representative period in terms of production of prunes for market and the consequent producer sales, a base quantity shall be established for each producer entitled thereto. Each base quantity shall be in an amount equal to either (i) the total sales credited as net prune weight pursuant to § 993.43, plus the weight shown on diversion certificates, of such producer during the representative period divided by the number of years in the period, or (ii) that determined or adjusted pursuant to the applicable provisions of this paragraph or paragraph (c) of this section.

(2) If a producer has immature prune plum trees, in 9th leaf or younger permanently planted as of the effective date of this section, in blocks of acreage not containing mature trees, his base quantity on such acreage shall be established by applying to the acreage the average sales per acre in the representative period from mature acreage of the producer in the locality or the average sales per acre in base quantities for other mature orchards in the locality (if none, the most representative comparable locality), whichever is more representative of the mature sales level for the immature acreage.

(3) If a producer is engaged in a rotation program of replacing old trees with young trees, by the removal and replanting of all or portions of his acreage, without change of location or increase of acreage, whether begun prior to or during the representative period, but the rotation adversely affects his base quantity, such producer shall have such portions of his base quantity as are referable to the rotated acreage established consistent with the provisions of subparagraph (2) of this paragraph: *Provided*, That any such adjustment of a base quantity due to rotation occurring after the effective date of this section shall not cause the producer's base quantity to exceed his approximate base quantity in the absence of such rotation.

(4) If a producer is engaged in a rotation from existing acreage to a new location, that portion of his base quantity attributable to acreage permanently planted prior to the effective date of this section shall be established consistent with subparagraph (2) of this paragraph. However, the base quantity referable to such acreage planted after the effective date of this section shall not exceed the approximate base quantity for the original acreage.

(5) In accordance with subparagraphs (1) and (2) of this paragraph, and based on reports of handlers, producers' certifications and other information, the committee shall establish for use beginning with the first crop year after the repre-

sentative period, each producer's base quantity and, except as hereinafter provided, shall assign such base quantity to such producer. The right of each producer, or his legal successor in interest to the base quantity, to receive or retain all or part of such base quantity shall be dependent upon his continuing to be a producer and to make a bona fide effort to produce his annual allotment, and failing to do so for three consecutive allotment years, such base quantity shall be reduced by the committee by a percentage equivalent to the unproduced portion of his annual allotment: *Provided*, That the committee, with the approval of the Secretary, may waive this requirement for good cause.

(b) *Additional base quantities.* Each year after allotments begin the committee shall consider the need for granting, and if appropriate grant, with the approval of the Secretary, additional base quantities, to either a new producer or an existing producer, for such purposes as satisfying the demand for one or more varieties, or adjusting the total of all base quantities to the trade demand.

(c) *Adjustments to recognize density of planting.* Adjustments in the base quantity of any producer to recognize the sales levels from increased density of planting arising from interplants in orchards or greater density of planting in the course of rotation, both occurring before the effective date of this section, shall be made by the committee when it has established, with the approval of the Secretary, methods of computing the appropriate adjustment: *Provided*, That no such adjustment shall result in a total base quantity exceeding the producer's productive capacity, as determined by the committee, when all trees are mature.

§ 993.45 Marketable quantity, allotment percentage, and annual allotments.

(a) *Marketable quantity and allotment percentage.* Beginning with the calendar year in which base quantities are first established for producers, and annually each calendar year thereafter if the Secretary finds, on the basis of the committee's recommendation or other information, that limiting the quantity of prunes that handlers may purchase from, or handle on behalf of, producers during the ensuing crop year would tend to effectuate the declared policy of the act, he shall determine the marketable quantity and establish an allotment percentage for such crop year. The allotment percentage shall be determined by dividing the marketable quantity plus the estimate described in § 993.41(a) (7) by the total of all producer base quantities determined pursuant to § 993.44 which may be an estimated total for the first crop year of allotments. Except as provided in this part, no handler shall purchase or handle on behalf of any producer prunes not within such producer's annual allotment. Based on a recommendation of the committee pursuant to § 993.41(b) or other information, the Secretary may suspend the allotment percentage applicable to any crop year and producers' annual allotments.

(b) *Annual allotments.* Upon determination of the marketable quantity and establishment of an allotment percentage by the Secretary for an ensuing crop year, the committee shall issue to each producer an annual allotment for such ensuing crop year computed except as otherwise provided in this paragraph, by applying the allotment percentage established pursuant to paragraph (a) of this section to the producer's base quantity. Such issuance shall be conditioned upon the producer filing with the committee, within a specified time, a form furnished by the committee whereon the producer states at least where he intends to produce his annual allotment, the acreage he intends to harvest, the maturity of the trees, changes of location, if any, and such other information required by the committee to administer this part. If the committee determines that due to acreage, immature age of trees, or other cause, the producer will be unable to produce his computed annual allotment, the committee shall apply to his base quantity an appropriate portion of the allotment percentage so as to reduce the annual allotment it issues to reflect productive capacity. The committee may, with the approval of the Secretary, establish a schedule of reductions for ages of immature trees or for other factors of production. Except as provided in § 993.47, no handler, producer, or other person shall be the assignee or transferee of an annual allotment, or portion thereof, except that a person other than a handler may deliver prunes in the stead of the producer holding the allotment but no handler shall receive prunes from such other person except to the extent authorized by the committee. When an allotment percentage is in effect, the weight of all prunes shall be based on weights determined by Public Weightmasters, and any weight obligation pursuant to § 993.49(c) shall not be a part of a producer's annual allotment.

§ 993.46 Surplus prunes.

(a) *General.* Prunes that are in excess of an effective individual producer annual allotment or the total of such annual allotments to members, delivered pursuant to membership contracts, of a cooperative marketing association, shall be surplus prunes. Prior to January 15 of the crop year, producers of such prunes may sell or transfer them to producers capable of using them to satisfy a deficiency of production relative to their annual allotment. No handler shall handle surplus prunes except that any handler who is a packer shall be a designee of the committee, under such conditions as it shall specify as to holding and delivery obligations, with the approval of the Secretary, to receive and hold surplus prunes for the account of the committee. Any producer or dehydrator selling or delivering surplus prunes to other than the committee or its designees or to a producer satisfying a deficiency, as provided in this paragraph, shall be a handler relative to such transaction. Any producer may hold surplus prunes of his own production, on his premises, may dispose of

such prunes in his own livestock feeding or other farming operation and, prior to or after January 15, may deliver such prunes to the committee or its designees for inclusion in the surplus pool.

(b) *Committee's right of disposition.* The committee shall have the power and authority to sell or dispose of any and all surplus prunes delivered to it or held by handlers for its account, but no such disposition shall be in normal outlets except upon a finding of the committee, approved by the Secretary, that it will not interfere with the demand for salable prunes or reserve prunes. The committee may sell and ship, or instruct handlers to ship, surplus prunes for non-human consumption purposes. The committee may arrange to store surplus prunes at other than a handler's premises.

(c) *Distribution of proceeds.* The committee shall account for the disposition of surplus prunes to the equity holders thereof, in distributing to them any proceeds received in excess of the costs incurred by the committee for the receiving, handling, holding, or disposing of surplus prunes. The monies received as revenues as well as the expenses incurred, including the administrative and distribution costs, shall be treated as surplus pool revenue and expenses.

§ 993.47 Transfers.

(a) *Of location.* A producer owning the orchard(s) determining the base quantity may transfer from the location(s) where he produces his annual allotment to other land which he farms. If a producer does not own the original orchard land no such transfer shall be valid and no further annual allotments referable to such orchard shall be granted by the committee to such producer unless the orchard owner consents to the transfer. The committee shall, by such means as are provided in § 993.45 (b), obtain information as to the location(s) where each producer intends to produce each annual allotment.

(b) *To another producer.* A producer owning the orchard(s) determining the base quantity may transfer all or part of a base quantity from himself to another producer. If the transferor is not the owner of the orchard land, the transfer shall not be valid nor shall an annual allotment be granted by the committee to the potential transferee unless the orchard owner consents to the transfer. No transfer shall be recognized by the committee except upon the transferor and transferee notifying the committee in writing and the transferee submitting evidence of capability to produce and harvest the annual allotment referable thereto. If any producer disposes of acreage and ceases to be a producer thereon prior to the issuance of base quantities pursuant to § 993.44(a) and, if the purchaser continues the acreage in production of prune plums, such purchase shall be deemed to authorize issuance of the base quantity, applicable to such acreage to the successor producer.

§ 993.54 [Amended]

20. The second sentence of § 993.54 is revised to read: "The salable and reserve percentages when applied to the natural condition weight of prunes received during the crop year by a handler from producers and dehydrators, excluding surplus prunes and excluding the weight obligation of § 993.49(c), plus that diverted tonnage (dried weight natural condition prune basis) on diversion certificates issued pursuant to § 993.62 and credited to or held by him, shall determine the weight of each handler's receipts which are salable prunes and reserve prunes."

§ 993.55 [Amended]

21. The first sentence of § 993.55 is revised to read: "The salable and reserve percentages established for any crop year shall also apply to prunes received by handlers in the subsequent crop year, excluding surplus prunes and excluding the weight obligation of § 993.49(c), and before salable and reserve percentages are established for that crop year."

§ 993.56 [Amended]

22. The first sentence of § 993.56 is revised to read: "Whenever salable and reserve percentages are in effect for a crop year, the reserve obligation of a handler shall approximate the average marketable content of the handler's receipts and shall be a weight of natural condition prunes equal to the reserve percentage applied to the natural condition weight of prunes such handler receives during the crop year from producers and dehydrators, excluding surplus prunes and excluding the weight obligation of § 993.49(c), plus that diverted tonnage (dried weight natural condition prune basis) on diversion certificates credited to or held by him which were issued pursuant to § 993.62."

23. Section 993.59 is revised to read:

§ 993.59 Payment to handlers for services.

The committee shall pay handlers for necessary services rendered by them in connection with reserve prunes or surplus prunes including, but not limited to, inspection, receiving, storing, grading, and fumigation, in accordance with the respective reserve or surplus schedules of payments and conditions established by the Secretary after recommendation by the committee.

24. Paragraph (a) *Prune plums* of § 993.62 is deleted and a new paragraph (a) *Termination* added to read:

§ 993.62 Diversion privileges.

(a) *Termination.* Beginning with the first year in which base quantities are established, the provisions of this section shall terminate.

[F.R. Doc. 67-14168; Filed, Dec. 4, 1967; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 8558]

AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 744, 745D, and 810 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Vickers Viscount Models 744, 745D, and 810 Series airplanes. There has been a failure of a lower torsion link hinge pin of the nose landing gear. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require periodic inspection of the hinge pins for cracks, the replacement of cracked hinge pins, and the discontinuance of the inspection after the present hinge pins are replaced with new type hinge pins.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before January 5, 1968, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Models 744, 745D, and 810 Series airplanes.

Compliance required as indicated unless already accomplished.

To detect cracking of the upper and lower torsion link hinge pins of the nose landing gear, accomplish the following:

(a) For airplanes with pre-Modification D.3045 (700 Series) and PG.1861 (800 Series) hinge pins with less than 4,000 landings on the effective date of this AD, before the accumulation of 5,000 landings, and thereafter at intervals not to exceed 1,000 landings from the last inspection until the accumulation of 10,000 landings and thereafter at intervals not to exceed 500 landings from the last inspection, comply with paragraph (d).

(b) For airplanes with pre-Modification D.3045 (700 Series) and FG.1861 (800 Series) hinge pins with 4,000 or more landings but less than 9,000 landings on the effective date of this AD, within the next 1,000 landings after the effective date of this AD and thereafter at intervals not to exceed 1,000 landings from the last inspection until the accumulation of 10,000 landings and thereafter at intervals not to exceed 500 landings, comply with paragraph (d).

(c) For airplanes with pre-Modification D.3045 (700 Series) and FG.1861 (800 Series) hinge pins with 9,000 or more landings on the effective date of this AD, within the next 500 landings or before the accumulation of 10,000 landings, whichever occurs later, and thereafter at intervals not to exceed 500 landings from the last inspection, comply with paragraph (d).

(d) Remove pre-Modification D.3045 (700 Series) and FG.1861 (800 Series) hinge pins and inspect for cracks using Magnaflex examination or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, in accordance with British Aircraft Corp. (BAC) Preliminary Technical Leaflets (PTLs) No. 233, Issue 3 (700 Series) and No. 99, Issue 3 (800 Series), or later ARB-approved issues, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

(e) If cracked hinge pins are found during the inspections required by paragraphs (a), (b), and (c), before further flight, replace the pins with serviceable pins of the same part number and comply with the inspection requirements of paragraph (a), or replace the pins with Modification D.3045 (700 Series) and FG.1861 (800 Series) pins.

(f) The repetitive inspections required by paragraphs (a), (b), and (c) may be discontinued on those hinge pins replaced by Modification D.3045 (700 Series) and FG.1861 (800 Series) pins.

(g) Upon request of the operator, an FAA maintenance inspector, subject to prior approval by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

Issued in Washington, D.C., on November 28, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-14144; Filed, Dec. 4, 1967;
8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 91]

[Docket No. 17891; FCC 67-1294]

INDUSTRIAL RADIO SERVICES

Use of Certain Frequencies by Central Station Protection Industry

In the matter of amendment of Part 91 of the Commission's rules concerning the use of certain frequencies in the 952-960 Mc/s band by the central station protection industry, and for other purposes, Docket No. 17891, RM-798.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. The Commission has before it for consideration a Petition for Rule Amendment (RM-798) filed by the Central Station Electrical Protection Association (CSEPA) and the Controlled Companies, American District Telegraph Co. (ADT), on June 2, 1965.

3. In substance, petitioners seek—for the central station commercial protection industry (sometimes hereinafter referred to as the "industry")—the following:

a. Exclusive allocation of the channels in the 952-960 Mc/s band to which the industry now has access on a shared basis with other private users (i.e., 952.1, 952.2, 952.3 and 952.4 Mc/s and the frequency pairs 952.8/956.4, 952.9/956.5, 956.2/957.8, and 956.3/959.9 Mc/s), and allocation to the industry of such other frequencies as the Commission may deem advisable.

b. Regular licensing (as opposed to the present developmental) on those frequencies.

c. Authority to use the frequencies with omnidirectional antennas and maximum rated power output of 100 watts.

4. The National Committee for Utilities Radio (NCUR) and the Central Committee on Communication Facilities of the American Petroleum Institute (API) opposed the petition on several grounds. NCUR and API argued that there is little danger of harmful interference if shared use of the subject frequencies is maintained, and claim that exclusive allocation of the eight channels to petitioners would foreclose their use by others in areas where the protection industry would have little or no use of them. The opponents conclude, therefore, that no exclusive allocation should be made. Petitioners, in response to the opposition, note that their concern is not so much with harmful interference as it is with preemption of the frequencies by other users. All of the pleadings filed were considered by the Commission in arriving at its determinations in this notice.

5. The microwave frequencies in the 952-960 MHz band presently available to the commercial protection industry—on a developmental basis—resulted from a rule making proceeding conducted in 1961, in Docket No. 13953 (26 F.R. 6849, Aug. 1, 1961). Since 1961, the industry has conducted a number of developmental programs aimed at determining the technical and economic feasibility of employing fixed radio alarm and warning circuits in the business of providing a commercial protection service. As the mere filing of the subject petition would indicate, the industry is satisfied that radio is a very desirable and practical adjunct to the rendition of its services.

6. The Commission is similarly satisfied—both from its study of the periodic developmental reports that have been submitted and its consideration of the information derived from the instant petition—that the frequencies in question should be available to it on a regular basis. We are, moreover, of the view that the public interest is served by allowing

the industry to employ radio in the rendition of its services to the public. However, for the reasons given below we are not persuaded that their need for frequencies—to meet both present and projected requirements—is incapable of satisfaction within the framework of the existing allocations structure.

7. The four single and the four pairs of frequencies in the 952-960 Mc/s band, which are now available on a shared basis and which the petition seeks for the exclusive use of the protection industry, are now allocated to operational fixed and international control stations. There are, in short, available in the same manner as are practically all private microwave operational fixed bands. However, although microwave frequencies have not been allocated exclusively to any service (but with one exception)¹ they are assigned to individual licensees on an exclusive basis for each location and provide reasonably interference free operations. Petitioner's request for exclusive allocation of these microwave frequencies would be a major departure from existing policies in the microwave field, and we do not believe that petitioners have made an adequate showing therefor. The 12 frequencies in question, as well as the 2150-2160 Mc/s band to which the protection industry also has access for omnidirectional operations, are nearly all vacant and the industry may use them for radio alarm and warning circuits anywhere in the country. Once they occupy them, existing licensing policies would protect their operations from interference from subsequent users. Further, the petitioners have not shown nor are we aware that there is, or is likely to be in the near future, a surge of demand for those frequencies in other industries so that they may be preempted by other users. On the other hand, as pointed out by NCUR and API, exclusive allocation of these frequencies to one industry at this time would inhibit development of other possible users and could preclude their fuller utilization in the public interest. Accordingly, we conclude that the request of the petitioners for exclusive allocation of the 12 shared frequencies in the 952-960 Mc/s band as well as their request for exclusive allocation of other microwave frequencies to the protection industry, is premature and must be denied.

8. Recognizing, however, that the protection industry has, within its capabilities and needs, developed workable day-to-day alarm and warning systems using the frequencies set aside for radio-alarm purposes, we are disposed to remove the developmental appellation from these frequencies thereby enabling the industry to use them on a regular basis. On the other hand, pending further development, we propose to authorize only developmental operations for other operational fixed stations. In addition, we

¹ The exception noted—that of an allocation to the Public Safety Radio Services of three channels (952.5, 952.6, and 952.7, all MHz) for traffic light control (Docket No. 13953).

are proposing that the four pairs of frequencies presently available to the industry and other eligible users of the frequencies be allowed to be used with 100 watts output power. This increase in power will place duplex omnidirectional operations on a par with the 100 watt simplex omnidirectional operations presently authorized by the rules. Finally, we propose to define eligibility for the central station commercial protection industry; and to this end, a distinct eligibility clause has been incorporated into the notations governing the use of the subject frequencies in the Business Radio Service Table, § 91.554(b) (22) and (23).

9. In its opposition, the API suggests that the protection industry is a common carrier and therefore subject to the regulatory and other provisions of title II of the Communications Act of 1934, as amended. The Commission, however, regards Petitioners' basic business function as that of providing a protection service—to which service, the use of radio is merely incidental. In concluding as we do, we rely, in no small measure, on Petitioners' assertion that subscribers " . . . have no right to transmit any intelligence of their own choosing over any of the facilities used . . . in the protective business." Any interested persons may, of course, direct their comments to the question raised by the API.

10. On January 16, 1967, the petitioners filed a supplement to their petition for rule amendment. That supplement, in substance, requests that any action taken in response to the original petition include a provision for sharing of the microwave frequencies made available to the industry. It is pointed out that a provision to that effect would afford greater flexibility in the use of frequencies by the industry, and result in a more efficient use of the available spectrum. Section 91.9 of the Industrial Radio Services rules governs the cooperative use and sharing of operational fixed facilities and is, without exception, applicable to all of the Industrial Radio Services, including the Business Radio Service. Thus, under the provisions of § 91.9, persons licensed or eligible to be licensed within the same radio service, and on frequencies for which all participants would be separately eligible for assignment may share and cooperatively use the same facilities. Obviously, under these terms, persons in the electrical protection industry such as the members of the associations who are petitioners in this proceeding could share facilities.

11. Accordingly, the above-designated petition (RM-798) is granted to the extent indicated herein and is denied in all other respects. The proposed amendments of the rules are issued pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

12. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before January 12, 1968, and

reply comments on or before February 2, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in the proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

13. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished to the Commission.

Adopted: November 22, 1967.

Released: November 29, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

1. In § 91.111(a), the Microwave Technical Standards Table for the frequency band 952-960 Mc/s is changed in column 2 to indicate footnote 8 in lieu of 9; footnote 8 to the table is revised; and footnote 9 is deleted, as follows:

§ 91.111 Microwave technical standards.

(a)

MICROWAVE TECHNICAL STANDARDS TABLE

Frequency band— Mc/s	Power ¹ (watts)	***	***	***
952-960 ***	* 30 ***	***	***	***

¹ Except for the frequencies 952.1, 952.2, 952.3, 952.4 Mc/s and the frequency pairs 952.8 and 956.4; 952.9 and 956.5; 956.2 and 959.8; and 956.3 and 959.9 Mc/s, where the beamwidth may be 360°; and the maximum power may be 100 watts.

2. The Power Radio Service Frequency Table in § 91.254(a) is amended to add limitation 15 to the Frequency Pairs 952.8-956.4, 952.9-956.5, 956.2-959.8, and 956.3-959.9 Mc/s, as follows:

§ 91.254 Frequencies available.

(a)

POWER RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limita- tions
Mc/s	***	***
Paired frequencies	***	***
952.8 956.4 952.9 956.5 ***	do do ***	13, 15 13, 15 ***
956.2 959.8 956.3 959.9 ***	do do ***	13, 15 13, 15 ***

² Dissenting statement of Commissioner Cox in which Commissioner Johnson joins filed as part of the original document; Commissioner Wadsworth dissenting.

3. The Petroleum Radio Service Frequency Table in § 91.304(a) is amended to add limitation 19 to the Frequency Pairs 952.8-956.4, 952.9-956.5, 956.2-959.8, and 956.3-959.9 Mc/s, as follows:

§ 91.304 Frequencies available.

(a)

PETROLEUM RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limita- tions
Mc/s	***	***
Paired frequencies	***	***
952.8 956.4 952.9 956.5 ***	do do ***	17, 19 17, 19 ***
956.2 959.8 956.3 959.9 ***	do do ***	17, 19 17, 19 ***

4. The Forest Products Radio Service Frequency Table in § 91.354(a) is amended to add limitation 19 to the Frequency Pairs 952.8-956.4, 952.9-956.5, 956.2-959.8, and 956.3-959.9 Mc/s, as follows:

§ 91.354 Frequencies available.

(a)

FOREST PRODUCTS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limita- tions
Mc/s	***	***
Paired frequencies	***	***
952.8 956.4 952.9 956.5 ***	do do ***	17, 19 17, 19 ***
956.2 959.8 956.3 959.9 ***	do do ***	17, 19 17, 19 ***

5. The Motion Picture Radio Service Frequency Table in § 91.404(a) is amended to add limitation 10 to the Frequency Pairs 952.8-956.4, 952.9-956.5, 956.2-959.8, and 956.3-959.9 Mc/s, as follows:

§ 91.404 Frequencies available.

(a)

MOTION PICTURE RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limita- tions
Mc/s	***	***
Paired frequencies	***	***
952.8 956.4 952.9 956.5 ***	do do ***	8, 10 8, 10 ***
956.2 959.8 956.3 959.9 ***	do do ***	8, 10 8, 10 ***

6. The Relay Press Radio Service Frequency Table in § 91.454(a) is amended to add limitation 8 to the Frequency Pairs 952.8-956.4, 952.9-956.5, 956.2-959.8, and 956.3-959.9 Mc/s, as follows:

§ 91.454 Frequencies available.

(a)

RELAY PRESS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
<i>Mc/s</i>	...	...
<i>Paired frequencies</i>		
952.8 956.4	do.	6, 8
952.9 956.5	do.	6, 8
956.2 959.8	do.	6, 8
956.3 959.9	do.	6, 8

7. The Special Radio Service Frequency Table in § 91.504(a) is amended to add limitation 17 to the Frequency Pairs 952.8-956.4, 952.9-956.5, 956.2-959.8, and 956.3-959.9 Mc/s, as follows:

§ 91.504 Frequencies available.

(a) * * *

SPECIAL INDUSTRIAL RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
<i>Mc/s</i>	...	...
<i>Paired frequencies</i>		
952.8 956.4	do.	15, 17
952.9 956.5	do.	15, 17
956.2 959.8	do.	15, 17
956.3 959.9	do.	15, 17

8. The Business Radio Service Frequency Table in § 91.554(a) is amended to add limitation 24 to the Frequency Pairs 952.8-956.4, 952.9-956.5, 956.2-959.8, and 956.3-959.9 Mc/s; and limitations (22) and (23) in paragraph (b) are amended as follows:

§ 91.554 Frequencies available.

(a) * * *

BUSINESS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
<i>Mc/s</i>	...	...
<i>Paired frequencies</i>		
952.8 956.4	do.	22, 24
952.9 956.5	do.	22, 24
956.2 959.8	do.	22, 24
956.3 959.9	do.	22, 24

(b) * * *

(22) Available only for duplex omnidirectional operations to stations rendering a central station commercial protection service. Central station commercial protection service is defined as those electrical protection and supervisory services rendered from and by a central station approved by one or more of the recognized rating bureaus and/or the Underwriters' Laboratories, Inc. (UL).

(23) Available only for omnidirectional operations to those organizations rendering a central station commercial protection service. Central station commercial protection service is defined as those electrical protection and supervisory services rendered from and by a central station approved by one or more of the recognized rating bureaus and/or the Underwriters' Laboratories, Inc. (UL).

9. The Manufacturers Radio Service Frequency Table in § 91.730(a) is amended to add limitation 11 to the Frequency Pairs 952.8-956.4, 952.9-956.5, 956.2-959.8, and 956.3-959.9 Mc/s, as follows:

§ 91.730 Frequencies available.

(a) * * *

MANUFACTURERS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
<i>Mc/s</i>	...	...
<i>Paired frequencies</i>		
952.8 956.4	do.	6, 11
952.9 956.5	do.	6, 11
956.2 959.8	do.	6, 11
956.3 959.9	do.	6, 11

10. The Telephone Maintenance Radio Service Frequency Table in § 91.754(a) is amended to add limitation 8 to the Frequency Pairs 952.8-956.4, 952.9-956.5, 956.2-959.8, and 956.3-959.9 Mc/s, as follows:

§ 91.754 Frequencies available.

(a) * * *

TELEPHONE MAINTENANCE RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
<i>Mc/s</i>	...	...
<i>Paired frequencies</i>		
952.8 956.4	do.	6, 8
952.9 956.5	do.	6, 8
956.2 959.8	do.	6, 8
956.3 959.9	do.	6, 8

[P.R. Doc. 67-14074; Filed, Dec. 4, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary COMMISSIONER OF INDIAN AFFAIRS Delegation of Authority To Dedicate Certain Streets, Alleys, and Strips of Land on the Agua Caliente Indian Reservation

The Commissioner of Indian Affairs is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the Act of August 11, 1967 (P.L. 90-64, 81 Stat. 166), which provides that the Secretary, with the consent of the Agua Caliente Band of Mission Indians and within 1 year after August 11, 1967, may dedicate to the public for street purposes any of the streets, alleys, or strips of land in the W $\frac{1}{2}$ of sec. 14, T. 4 S., R. 4 E., San Bernardino meridian, city of Palm Springs, Riverside County, Calif.

DAVID S. BLACK,
Under Secretary of the Interior.

NOVEMBER 29, 1967.

[F.R. Doc. 67-14138; Filed, Dec. 4, 1967;
8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary ARKANSAS, MISSISSIPPI, AND WISCONSIN Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Arkansas, Mississippi, and Wisconsin natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Lee. Lincoln.

MISSISSIPPI

Alcorn.
Benton.
Calhoun.
Carroll.
Chickasaw.
Choctaw.
Clay.
Coahoma.
De Soto.
Humphreys.
Jefferson Davis.
Lafayette.
Lee.
Lowndes.
Marshall.
Monroe.
Panola.
Pontotoc.
Prentiss.
Quitman.
Tallahatchie.
Tate.
Tippah.
Tunica.
Union.
Webster.
Yalobusha.

WISCONSIN

Crawford.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 29th day of November 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-14149; Filed, Dec. 4, 1967;
8:46 a.m.]

Packers and Stockyards Administration

[P. & S. Docket No. 1598]

CHATTANOOGA UNION STOCK YARDS

Notice of Petition To Vacate Order and Dismiss Proceeding

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), a basic order was issued in the case of In Re Chattanooga Union Stock Yards, respondent (P. & S. Docket No. 1598), on August 7, 1945, prescribing the rates and charges to be assessed by the respondent for the stockyard services rendered by it at the Chattanooga Union Stock Yards, Chattanooga, Tenn. Such rates and charges have been modified from time to time by subsequent orders issued in the proceeding. The latest such order was issued on March 18, 1966, prescribing the rates and charges to be assessed by respondent to and including January 31, 1968, unless modified or extended by further order before the latter date.

On November 14, 1967, a petition was filed on behalf of respondent requesting that the rate order in this proceeding be vacated and the proceeding dismissed in conformity with § 203.11 (9 CFR 203.11) of the Statements of General Policy under the Packers and Stockyards Act. The petition reads as follows:

This is a rate proceeding under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. 181 et seq.). Respondent is now operating under an order issued on January 26, 1966, which became effective February 1, 1966.

The basic rate order in this proceeding was issued August 7, 1945 (4 AD 826). During the period since the basic rate order has been in effect, respondent has followed the procedure, both as to filing of a petition for modification of the basic order, and of seeking an expression indicative of the attitude of the Packers and Stockyards Administration toward the changes to be proposed. In-

formation in support of such proposal has been submitted and a tentative agreement is reached before a formal petition for modification has been filed.

Respondent does not believe economic conditions in the industry, the marketing structure in the trade territory, or any other circumstance necessitate the continuation of the formal procedure for obtaining modification in the rates and charges assessed by respondent.

It is requested therefore that in conformity with the policy expressed in section 203.11 of the Statements of General Policy under the Packers and Stockyards Act (9 CFR 203.11) that the rate order in this proceeding be vacated and the proceeding be dismissed.

Any interested person may file with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after the publication of this notice in the FEDERAL REGISTER, written data, views, comments, or arguments with respect to the petition filed by the respondent.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 29th day of November 1967.

GLENN G. BIEMAN,
Acting Administrator, Packers
and Stockyards Administration.

[F.R. Doc. 67-14167; Filed, Dec. 4, 1967;
8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary MOTOR VEHICLE POLLUTION CONTROL

California State Standards; Notice of Public Hearing

Whereas section 208(a) of the Air Quality Act of 1967 (P.L. 90-148) provides, "No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this title. No State shall require certification, inspection, or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment" and

Whereas section 208(b) of said Act directs the Secretary of Health, Education, and Welfare, after notice and opportunity for public hearing, to waive application of the prohibitions of said section 208 to any State which had, prior to March 30, 1966, adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, unless he finds that such State does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Air Quality Act of 1967, and

Whereas the State of California had, prior to March 30, 1966, adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines,

Now, therefore, I hereby give formal notice that after a public hearing as required by the statute, I will waive application of the prohibitions of section 208 (a) to the State of California with respect to applicable State standards which are more stringent than applicable Federal standards unless I find that the State of California does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Air Quality Act of 1967. Pursuant to section 208(b) I hereby give notice of a public hearing to be held in the Ceremonial Courtroom, 19th Floor, Federal Courthouse, 450 Golden Gate Avenue, San Francisco, Calif. beginning at 10 a.m., Monday, January 15, 1968, and continuing through Monday, January 22, 1968, unless adjourned by the Presiding Officer at such earlier time as in his judgment is consistent with the purpose of said section 208(b), at which interested persons may be heard regarding the action to be taken under said section.

Mr. S. Smith Griswold of the Department of Health, Education, and Welfare is hereby designated as Presiding Officer to conduct the hearing. Any person desiring to make a statement at the hearing or to submit material for the record of the hearing should file a notice of such intention and, if practicable, five copies of his proposed statement (and other relevant material) with the Presiding Officer, National Center for Air Pollution Control, PHS, Department of Health, Education, and Welfare, South Building, Room 2428, Washington, D.C. 20201, not later than January 10, 1968.

Dated: December 1, 1967.

[SEAL] JOHN W. GARDNER,
Secretary.

[P.R. Doc. 67-14227; Filed, Dec. 4, 1967;
10:11 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Notice of Receipt of Application for Construction Permit and Facility License

Sacramento Municipal Utility District, 6201 S Street, Post Office Box 15830, Sacramento, Calif. 95813, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated November 1, 1967, for authorization to construct and operate a pressurized water nuclear reactor on the applicant's approximately 2,480-acre site located in the southeast part of Sacramento County, about 25 miles southeast of Sacramento, Calif.

The proposed reactor, designated by the applicant as the Rancho Seco Nuclear Generating Station Unit No. 1, is designed for initial operation at approximately 2,452 megawatts (thermal), with a net electrical output of approximately 800 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 27th day of November 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director.

Division of Reactor Licensing.

[P.R. Doc. 67-14129; Filed, Dec. 4, 1967;
8:45 a.m.]

[Docket No. 50-234]

GULF GENERAL ATOMIC, INC.

Notice of Proposed Issuance of Construction Permit

The Atomic Energy Commission is considering the issuance of a construction permit, substantially as set forth below, to Gulf General Atomic, Inc. The permit would authorize modification of the critical experiment facility, designated by the applicant as the Experimental Critical Facility (ECF), on Gulf General's Torrey Pines Mesa site in San Diego, Calif. The ECF, which will be constructed in the space which formerly housed the Tungsten Nuclear Rocket Critical Facility (TNRCF), will be used to perform studies in connection with core design of thermionic power reactors.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for hearing, and any person whose interest may be affected by the issuance of this construction permit may file a petition for leave to intervene. Requests for hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to inter-

vene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed issuance, see (1) the application dated May 16, 1967, and supplements thereto dated June 20, August 9, and October 9, 1967, and (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 22d day of November 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor
Operations, Division of Re-
actor Licensing.

PROPOSED CONSTRUCTION PERMIT

[Construction Permit No. CPCX-.....]

1. By application dated May 16, 1967, and supplements thereto dated June 20, August 9, and October 9, 1967 (hereinafter "the application"), Gulf General Atomic, Inc. (then, General Atomic Division of General Dynamics Corp.), requested authority to modify the Experimental Critical Facility (formerly the Tungsten Nuclear Rocket Critical Facility and hereinafter the "ECF") to accommodate the Thermionic Critical Experiment (hereinafter the "TCE") in the ECF located on Gulf General Atomic's Torrey Pines Mesa site in San Diego, Calif. The modified facility will replace the facility previously operated under Facility License No. CX-23.

2. The Atomic Energy Commission ("the Commission") has found that:

A. The application complies with the requirements of the Atomic Energy Act of 1954, as amended (the "Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. The ECF will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities";

C. The ECF will be used in the conduct of research and development activities of the types specified in section 31 of the Act;

D. Gulf General Atomic, Inc., is technically and financially qualified to construct the ECF in accordance with the regulations contained in Title 10, Chapter I, CFR, and to engage in the proposed activities for a reasonable period of time;

E. Gulf General Atomic, Inc., has submitted sufficient technical information concerning the proposed facility to provide reasonable assurance that the proposed facility can be constructed and operated at the proposed location without endangering the health and safety of the public; and

F. The issuance of a construction permit to Gulf General Atomic, Inc., will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues Construction Permit No. CPCX-..... to Gulf General Atomic, Inc., to modify the ECF in accordance with the application and this construction permit. This permit shall be

deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. The earliest completion date of the ECF is December 31, 1967. The latest completion date is February 29, 1968. The term "completion date", as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The ECF shall be constructed on Gulf General Atomic's Torrey Pines Mesa site located in San Diego, Calif., as specified in the application.

4. Upon completion of the modification of the ECF in accordance with the terms and conditions of this permit, upon finding that the facility authorized has been constructed and will operate in conformity with the application and the provisions of the Act and the rules and regulations of the Commission; and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue an amended Class 104 license to Gulf General Atomic, Inc., pursuant to section 104c of the Act, which license shall expire at midnight, May 25, 1970.

Date of issuance:

For the Atomic Energy Commission.

DONALD J. SKOVOLT,
Assistant Director for Reactor Operations,
Division of Reactor Licensing.

[F.R. Doc. 67-14152; Filed, Dec. 4, 1967;
8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15094; FCC 67-1295]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Reopening Proceedings

In the matter of American Telephone and Telegraph Co., and the Western Union Telegraph Co., Docket No. 15094; charges and classifications for private line telegraph and private line telephotograph services furnished to the press.

1. In our memorandum opinion and order released August 3, 1967, we denied a joint "Petition for Expedited Hearing and Modification of Hearing Order" which had been filed by the American Newspaper Publishers Association, the Associated Press, and United Press International in the TELPAK Sharing Case, Docket No. 17457 (FCC 67-893). We there stated that the showing made in the joint petition was more appropriately addressed to the question of whether there should be established, pursuant to section 201(b) of the Act, a preferential rate classification for press users of private line services; that such question is the subject of the proceeding herein as to

which there has been submitted a March 31, 1965, recommended decision by the Chief, Common Carrier Bureau; that the hearing record herein does not include evidence concerning material facts and circumstances developed since the closing of the record on December 11, 1963; and that we would take action to reopen the record in this case.

2. We instituted this proceeding by order released May 31, 1963 (FCC 63-491) because we were concerned at that time with the impact that our concurrent rate prescriptions and authorizations in the Private Line Rate Cases 34 F.C.C. 217, might have upon the widespread dissemination of news if made applicable to certain private line services furnished to the press. Thus, the specific, factual issues for resolution herein were directed to the determination of what effect there would be on such news dissemination if we were to require the press to pay the same charges for private line telegraph and private line telephotograph services that we were prescribing and authorizing for nonpress users.

3. Following our decision in the Private Line Rate Cases, American Telephone and Telegraph Co. (A.T. & T.) and the Western Union Telegraph Co. (Western Union) placed into effect for nonpress users the rates which we had prescribed or authorized for such users but these rates were not made applicable to the press. Press users continued to pay the generally lower rates for private line telegraph and telephotograph services that had been in effect prior to our decision. Effective August 1, 1967, A.T. & T. and Western Union, among other revisions, made substantial changes in the private line telegraph and private line telephotograph rates applicable to nonpress users, leaving in effect the generally lower rates for press users of such services. Thus the factual situation has changed substantially since this proceeding was instituted and since the last action was taken herein. Accordingly we think it is appropriate to reopen the record herein and also to revise the issues and specify the further procedures to be followed.

4. Accordingly, it is ordered, That, pursuant to the provisions of sections 201-205 and 403 of the Communications Act of 1934, as amended, the proceedings herein are reopened for the purpose of considering the following issues in lieu of those heretofore specified:

A. The extent to which the charges, regulations, practices, and classifications currently applicable to nonpress users of the private line telegraph and private line telephotograph services offered by A.T. & T. and Western Union to nonpress users would, if applied to press users, diminish, limit, or impair the widespread dissemination of news;

B. Whether the currently effective charges, regulations, classifications, or practices specially applicable to press users of private line telegraph and private line telephotograph services are unjust or unreasonable within the meaning of section 201(b) of the Act or unduly

discriminatory or preferential within the meaning of section 202(a) of the Act;

C. Whether the Commission should prescribe or authorize a specific classification for press users of private line telegraph and telephotograph services with different charges and regulations for such class of users and communications, and, if so, what charges and regulations should be prescribed or authorized for such classification of users and communications.

5. It is further ordered, That hearing be held in this proceeding at the Commission offices in Washington, D.C., at a time to be specified and before a Hearing Examiner to be designated; that following the hearing herein all parties shall have the opportunity to file proposed findings and conclusions, as provided in 37 CFR 1.263; that thereafter the Hearing Examiner shall prepare and file an initial or recommended decision pursuant to 47 CFR 1.267, and shall thereupon certify the record to the Commission for final decision; that the recommended decision shall supersede the one heretofore filed herein on March 31, 1965, and shall be subject to the submission of exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277; and that thereafter the Commission will issue its final decision as provided in 47 CFR 1.282.

6. It is further ordered, That the record herein is reopened; that all parties in Docket No. 15094 are hereby made parties in this reopened proceeding; and that Twin Coast Newspapers, Inc., is granted leave to intervene herein upon filing of notice of intention to appear and participate within 20 days of the release date of this order.

Adopted: November 22, 1967.

Released: November 28, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-14171; Filed, Dec. 4, 1967;
8:48 a.m.]

[Docket No. 15094; FCC 67M-1983]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

Order Scheduling Hearing

In the matter of American Telephone and Telegraph Co. and the Western Union Telegraph Co., Docket No. 15094; charges and classifications for private line telegraph and private line telephotograph services furnished to the press;

It is ordered, That Forest L. McClenning shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on February 5, 1968, at 10 a.m.; and that a

¹ Commissioner Bartley not participating.

prehearing conference shall be held on January 4, 1968, commencing at 9 a.m.: And, it is further ordered, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: November 29, 1967.

Released: November 29, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-14172; Filed, Dec. 4, 1967;
8:48 a.m.]

[Docket Nos. 17444, 17445; FCC 67M-1987]

J. W. FURR (WMBC) AND JAMES W. EATHERTON

Order Scheduling Hearing

In re applications of J. W. Furr (WMBC), Macon, Miss., Docket No. 17444, File No. BP-16794; James W. Eatherton, Macon, Miss., Docket No. 17445, File No. BP-17085; for construction permits.

The Hearing Examiner having for consideration the Review Board's order of November 22, 1967;

It appearing, that procedures should be established for the adduction of evidence on the enlarged issue:

It is ordered, That the record is reopened, and that a hearing conference shall convene on December 7, 1967, at 10 a.m. in the offices of the Commission at Washington, D.C.

Issued: November 29, 1967.

Released: November 30, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-14173; Filed, Dec. 4, 1967;
8:48 a.m.]

[Docket Nos. 17575, 17576; FCC 67M-1984]

TRI-CITIES BROADCASTING CORP. AND PALMER-DYKES BROADCAST- ING CO.

Order Scheduling Hearing

In re applications of Tri-Cities Broadcasting Corp., Gate City, Va., Docket No. 17575, File No. BPH-5654; Paul Dykes and Basil J. Palmer, doing business as Palmer-Dykes Broadcasting Co., Kingsport, Tenn., Docket No. 17576, File No. BPH-5701; for construction permits.

Pursuant to a prehearing conference as of this date: It is ordered, That exhibits shall be exchanged on or before January 15, 1968; that the notification of witnesses desired for cross-examination shall be accomplished on or before February 5, 1968, and

It is further ordered, That the hearing herein be and the same is hereby sched-

uled for February 12, 1968, 10 a.m., in the Commission's offices, Washington, D.C.

Issued: November 27, 1967.

Released: November 30, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-14174; Filed, Dec. 4, 1967;
8:48 a.m.]

[Docket No. 17653; FCC 67M-1981]

UNITED TRANSMISSION, INC.

Order Scheduling Further Prehearing Conference

In re petition of United Transmission, Inc., Galax, Va., Docket No. 17653, File No. CATV 100-22; for authority pursuant to § 74.1107 to operate a CATV system in the Greensboro-High Point-Winston-Salem, N.C., and the Roanoke, Va., television markets, ranked 47th and 64th, respectively.

The Hearing Examiner having for consideration the order of the Commission adopted November 22, 1967;

It appearing, that it is now appropriate to establish procedural dates to govern this proceeding:

It is ordered, That a further prehearing conference shall convene on December 6, 1967, at 10 a.m. in the offices of the Commission at Washington, D.C.

Issued: November 28, 1967.

Released: November 30, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-14175; Filed, Dec. 4, 1967;
8:48 a.m.]

FEDERAL MARITIME COMMISSION

COMPAGNIE MARITIME BELGE (LLOYD ROYAL) S.A. AND COM- PAGNIE MARITIME CONGOLAISE, S.C.R.L.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with-

in 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Edwin Longcope, Hill, Betts, Yamaoka, Freehill & Longcope, 26 Broadway, New York, N.Y. 10004.

Agreement 7688-3, between Compagnie Maritime Belge (Lloyd Royal) S.A., and Compagnie Maritime Congolaise, S.C.R.L., modifies Agreement No. 7688 to discontinue the sharing of profits and losses between the parties, to establish the minimum number of sailings which each shall perform, to provide that each shall operate its vessels at its own risk and expense, to designate the combined operation as a "service" rather than a "Joint Service" and to provide for the appointment of a new general agent in the trade between North American Continental Atlantic and Gulf Ports to ports in Continental Europe, United Kingdom, the Mediterranean, Red Sea, Persian Gulf, India, Pakistan, Ceylon and East, South, and West Africa.

Dated: November 30, 1967.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 67-14160; Filed, Dec. 4, 1967;
8:47 a.m.]

CITY OF LONG BEACH AND KOPPEL BULK TERMINAL

Notice of Agreement Filed for Determination

Notice of agreement filed for section 15 determination by:

Mr. Leslie E. Still, Jr., Deputy City Attorney, City of Long Beach, Suite 600, City Hall, Long Beach, Calif. 90802.

On April 14, 1966, an agreement between the city of Long Beach (City) and Koppel Bulk Terminal (Koppel) was submitted to the Commission for section 15 determination. The agreement was initially determined not to be subject to section 15 and the parties were so advised. The agreement covers the lease of a bulk terminal facility and grants Koppel a nonexclusive, preferential berth assignment. The city retains secondary berthing privileges. As rental Koppel pays \$12,500 per month plus a percentage of certain construction costs. In addition, Koppel guarantees that City will receive not less than \$100,000 per year from wharfage charges. If City receives in excess of \$400,000 in any 12-month period in rentals, Koppel will be entitled to a credit of 75 percent of the excess over \$400,000, which shall be credited toward the rental due City for the next succeeding 12-month period.

Koppel agrees that, other things being equal, it shall ship through and receive through the port of Long Beach all grain

and other bulk commodities which it may be able to control or direct. Upon review it appears that the agreement may be subject to section 15 of the Shipping Act, 1916. Comments are requested from interested parties on whether the agreement is subject to section 15, Shipping Act, 1916, and, if so, whether it is approvable under the standards thereof.

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement, and the comments should indicate that this has been done.

Dated: November 30, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-14161; Filed, Dec. 4, 1967;
8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7376]

ARIZONA PUBLIC SERVICE CO.

Notice of Application

NOVEMBER 28, 1967.

Take notice that on November 9, 1967, the Arizona Public Service Co. (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 203 of the Federal Power Act authorizing the acquisition of certain electric facilities of the United States.

Applicant is incorporated under the laws of Arizona with its principal business office at Phoenix, Ariz., and is engaged in the electric utility business in 10 counties in Arizona.

The facilities to be acquired from the United States (Bureau of Reclamation) consist of a bank of series capacitors to be installed by the United States on the 345 kv Flagstaff-Pinnacle Peak Line No. 1 of the United States' 345 kv Glen Canyon-Pinnacle Peak transmission system. The amount to be paid by the Applicant to the United States for this capacitor bank is to be one-half (1/2) of the cost to the United States of both the capacitor stations to be installed by the United States in the Flagstaff-Pinnacle Peak section plus 15 percent thereof as a reasonable allowance to cover the Applicant's pro rata share of the costs of the United States for design, testing, inspection, and appropriate general overheads. The Applicant presently estimates that the cost to the company will be about \$1 million.

Any person desiring to be heard or to make any protest with reference to the application should, on or before December 15, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 67-14130; Filed, Dec. 4, 1967;
8:45 a.m.]

[Docket No. CP63-217]

MICHIGAN GAS STORAGE CO.

Notice of Petition To Amend

NOVEMBER 27, 1967.

Take notice that on November 16, 1967, Michigan Gas Storage Co. (Petitioner), 212 West Michigan Avenue, Jackson, Mich. 49201, filed in Docket No. CP63-217 a petition to amend the order issued in said docket on July 22, 1963, by requesting that ordering paragraph (B) of said order be amended to delete the volumetric limitations for peak day and annual deliveries for certain service rendered to Consumers Power Co. (Consumers), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By ordering paragraph (B) of the aforementioned order issued July 22, 1963, Petitioner was authorized to sell and deliver volumes of natural gas limited to 2,174 Mcf and 340,029 Mcf for peak day and annual requirements, respectively. The natural gas delivered to Consumers was for resale and distribution in the village of Climax, New Hudson, Pleasant Lake, Beaverton, Gladwin, Gregory, and the environs of the aforementioned communities, all located in the State of Michigan.

Petitioner states that due to the increasing requirements of the customers of Consumers in the aforementioned communities, it is likely that aggregate peak day deliveries to such communities will approach the limitation imposed by the Commission in said ordering paragraph (B) during the 1967-68 winter heating season, and will soon approach the limitation on aggregate annual deliveries. Therefore, Petitioner requests that the aforesaid ordering paragraph (B) be amended in such manner as to permit Petitioner to make deliveries to Consumers for service to such communities without specific limitation as to aggregate annual or peak day amount.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 21, 1967.

KENNETH F. PLUMB,
Assistant Secretary.

[F.R. Doc. 67-14153; Filed, Dec. 4, 1967;
8:46 a.m.]

[Docket No. CP68-158]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

NOVEMBER 27, 1967.

Take notice that on November 16, 1967, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP68-158 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(d) of the regulations under the Act for a certificate authorizing the construction and operation of facilities for the testing and development of underground reservoirs for the possible storage of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to undertake during the period 1968 to 1970, inclusive, the testing and development of underground reservoirs in the general area of the markets served by it, which undertaking will necessitate the drilling of wells, injection and withdrawal of gas, and construction and operation of pipeline and compressor facilities.

Additionally, Applicant proposes to continue the testing and development of the Herscher Northwest prospect which was initiated by Applicant pursuant to an order in Docket No. CP65-226 issued March 23, 1965. Applicant states that due to administrative delays it has been prevented from completing the testing and development of its Herscher Northwest prospect within the time period authorized and that continuation of the testing and development of the Herscher Northwest prospect will be undertaken pursuant to authorization requested in the instant application.

The application states that expenditures of up to \$1,250,000 in the year 1968 may be necessary for the Herscher Northwest prospect and that expenditures for the years 1969 and 1970 will not exceed \$1 million per year, and that total expenditures for the 3-year period will not exceed \$3 million. The application further states that injection of gas into individual reservoirs will not exceed 2,000,000 Mcf, except for the Herscher Northwest prospect which Applicant estimates will require 2,500,000 Mcf, and injection into all reservoirs will be limited to 10,000,000 Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 21, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without

further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Assistant Secretary.

[P.R. Doc. 67-14154; Filed, Dec. 4, 1967;
8:46 a.m.]

[Docket No. RI68-237 etc.]

E. C. SIDWELL ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹

NOVEMBER 27, 1967.

The Respondents named herein have filed proposed changes in rates and

¹ Does not consolidate for hearing or dispose of the several matters herein.

charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of

the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 15, 1968.

By the Commission.

[SEAL]

GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI68-237..	E. C. Sidwell et al., Post Office Box 2475, Pampa, Tex. 79065.	1	3	El Paso Natural Gas Co. (East-Panhandle Field, Collingsworth County, Tex.) (RR. District No. 10).	\$270	11-1-67	1-1-68	1-2-68	13.0	14.0	RI64-60.
RI68-238..	Sidwell Oil & Gas, Inc. (Operator) et al., Post Office Box 2475, Pampa, Tex. 79065.	1	2	El Paso Natural Gas Co. (Wheeler County, Tex.) (RR. District No. 10) and (Beckham County, Okla.) (Oklahoma "Other" Area).	2,410	11-1-67	1-1-68	1-2-68	13.0	14.0	

¹ Basic contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1.

² The stated effective date is the effective date requested by Respondent.

³ The suspension period is limited to 1 day.

⁴ Periodic rate increase.

⁵ Pressure base is 14.65 p.s.i.a.

The contracts related to the rate filings proposed by E. C. Sidwell et al., and Sidwell Oil and Gas, Inc. (Operator), et al., were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceiling for increased rates but do not exceed the applicable ceiling price for initial rates in the areas involved. Under the circumstances, we believe that the aforementioned producers' rate filings should be suspended for 1 day from January 1, 1968, the proposed effective date.

[P.R. Doc. 67-14156; Filed, Dec. 4, 1967;
8:46 a.m.]

[Docket No. CP68-160]

UNITED GAS PIPE LINE CO. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

NOVEMBER 27, 1967.

Take notice that on November 17, 1967, United Gas Pipe Line Co. (Applicant United), Post Office Box 1407, Shreveport, La. 71102, and Texas Eastern Pipe Line Corp. (Applicant Texas Eastern), Post Office Box 2521, Houston, Tex. 77001, jointly filed in Docket No. CP68-

160 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of two additional points of delivery for the exchange of natural gas under an existing exchange agreement, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicants propose to construct and operate two points of exchange pursuant to an exchange agreement between Applicants dated August 5, 1948. The aforementioned delivery points are to be located as follows:

Point A, Jose Flores Hrs Survey, near the town of Martinsville, Nacogdoches County, Tex.

Point B, Jacob Mast Survey, near the town of Melrose, Nacogdoches County, Tex.

At each of these delivery points Applicant United will install 50 feet of 2-inch pipeline, a meter station, and appurtenant facilities and Applicant Texas Eastern will install a 2-inch tap on its 24-inch Provident City-Joaquin line.

The total estimated cost of the proposed facilities is \$24,616, which cost will be met from funds on hand.

The application states that these additional delivery points will facilitate delivery of volumes of natural gas to Applicant United and will provide Applicant United with a supply of gas for resale to the city of Chireno, Nacogdoches County, Tex., as sought in the application filed in Docket No. CP68-159 notice of which is herewith simultaneously issued.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 21, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Assistant Secretary.

[F.R. Doc. 67-14155; Filed, Dec. 4, 1967;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 30, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA, No. 41176—Chlorine to Kingsport, Tenn. Filed by O. W. South, Jr., agent

(No. A-5070), for The Alabama Great Southern Railroad Co. and interested carriers. Rates on Chlorine, in tank carloads, from Gelsmar, La., to Kingsport, Tenn.

Grounds for relief—Market competition.

Tariff—Supplement 31 to Southern Freight Association, agent, tariff ICC S-699.

FSA, No. 41177—Beet pulp from Billings, Hardin, and Sidney, Mont. Filed by Trans-Continental Freight Bureau, agent (No. 449), for interested rail carriers. Rates on beet pulp as described in the application, in carloads, from Billings, Hardin, and Sidney, Mont., to points in western trunkline territory.

Grounds for relief—Market competition, short-line distance formula.

Tariff—Supplement 88 to Trans-Continental Freight Bureau, agent, tariff ICC 1725.

By the Commission.

[SEAL] H. NEAL GARSON,
Secretary.

[F.R. Doc. 67-14162; Filed, Dec. 4, 1967;
8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 28, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA, No. 41175—Limestone From Fort Dodge, Iowa, Quincy and Valmeyer, Ill. Filed by Southwestern Freight Bureau, agent (No. B-9027), for interested rail carriers. Rates on limestone, broken, crushed, ground, or pulverized, in carloads, from Fort Dodge, Iowa, Quincy and Valmeyer, Ill., to points in Arkansas, Missouri, and Oklahoma.

Grounds for relief—Market competition.

Tariff—Supplement 173 to Southwestern Freight Bureau, agent, tariff ICC 4565.

By the Commission.

[SEAL] H. NEAL GARSON,
Secretary.

[F.R. Doc. 67-14165; Filed, Dec. 4, 1967;
8:47 a.m.]

[Notice 502]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 30, 1967.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that

protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30844 (Sub-No. 242 TA), filed November 24, 1967. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, Iowa 50704. Applicant's representative: Larry L. Strickler (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates 209 and 766 (except liquid commodities in bulk and hides), from Le Mars, Iowa, to points in Colorado, Connecticut, Delaware, District of Columbia, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont, for 180 days. Supporting shipper: Blue Ribbon Beef Packers, Post Office Box 702, Le Mars, Iowa 51031. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 111170 (Sub-No. 121 TA), filed November 24, 1967. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Synthetic glue, in bulk, in tank vehicles, from Crossett, Ark., to Gary, Ind., for 180 days. Supporting shipper: Georgia-Pacific Corp., Post Office Box 520, Crossett, Ark. 71635. Send protests to: District Supervisor D. R. Partney, Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 112750 (Sub-No. 250 TA), filed November 24, 1967. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, DeBevoise Building, Bayside, N.Y. 11361. Applicant's representative: J. K. Murphy (same address as above). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Commercial papers, documents,

written instruments, and business records (except coin, currency, and negotiable securities), as are used in the business of banks and banking institutions, (1) between Indianapolis, Ind., on the one hand, and, on the other, Pittsburgh, Pa., Cleveland, Ohio, and Buffalo, N.Y.; (2) between points in Gloucester County, N.J., on the one hand, and, on the other, Philadelphia, Pa., for 150 days. Supporting shippers: American Fletcher National Bank & Trust Co., Indianapolis, Ind.; First County National Bank & Trust Co., Woodbury, N.J. Send protests to: E. N. Carignan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 115669 (Sub-No. 83 TA), filed November 24, 1967. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard Dahlsten, Post Office Box 95, Clay Center, Nebr. 68933. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients*, from Omaha and Nebraska City, Nebr., to points in Missouri on and north of Interstate Highway I-70 and west of U.S. Highway 63, for 150 days. Supporting shipper: Hooker Chemical Corp., Farm Chemicals Division, Maryland Heights, Mo. 63042. Send protests to: District Supervisor Max H. Johnston, Interstate Commerce Commission, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 119974 (Sub-No. 18 TA), filed November 24, 1967. Applicant: L. C. L. TRANSIT COMPANY, 520 North Roosevelt Street, Post Office Box 949, Green Bay, Wis. 54305. Applicant's representative: Charles E. Dye (same address as above). Authority sought to operate as common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packing-houses*, as described in section A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from plantsite and storage facilities utilized by Oscar Mayer and Co., Inc., Davenport, Iowa, to points in Indiana (except points within Chicago, Ill., zone as described by the ICC), Kentucky, Michigan, and Ohio, for 180 days. Supporting shipper: Oscar Mayer & Co., 910 Mayer Avenue, Madison, Wis. 53701; (Richard C. Flesch, General Traffic Manager). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124807 (Sub-No. 7 TA), filed November 24, 1967. Applicant: JACK LINK TRUCK LINE, INC., Dyersville, Iowa 52040. Applicant's representative: John J. Goen, Dyersville, Iowa 52040. Authority sought to operate as a contract carrier, by motor vehicle, over regular routes, transporting: *Spring water*, in containers, from Chippewa Falls, Wis., to points in Illinois (except points in the

Chicago commercial zone), Indiana, Iowa, Missouri, Nebraska, and South Dakota, for 180 days. Supporting shipper: Bowman Dairy Sales Co., 3600 North River Road, Franklin Park, Ill. 60131. Note: Applicant intends to tack the authority here applied for to its existing authority and interline with MC 124807 Sub 6. Send protests to: Chas. C. Biggers, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 332 Federal Building, Davenport, Iowa 52801.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-14163; Filed, Dec. 4, 1967;
8:47 a.m.]

[Notice 57]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 30, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69823. By order of November 27, 1967, the Transfer Board approved the transfer to Ozone Motor Line, Inc., 4552 North Villere Street, New Orleans, La., of the operating rights in certificates Nos. MC-77594 and MC-77594 (Sub-No. 2) issued June 23, 1941 (amended by order of Feb. 25, 1946), and January 17, 1947, respectively, to Earl Gullory, doing business as Ozone Motor Line, 4552 North Villere Street, New Orleans, La., authorizing the transportation of general commodities, with exceptions, between New Orleans, La., and specified points in Louisiana; and certificates of registration Nos. MC-77594 (Sub-No. 7) and MC-77594 (Sub-No. 9) issued October 19, 1964, and November 8, 1967, respectively, to Earl Gullory, doing business as Ozone Motor Line, 4552 North Villere Street, New Orleans, La., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the service authorized by certificates of public convenience and necessity Nos. 275-A dated March 13, 1947, 275-B dated December 2, 1958, 275-C dated July 13, 1959, 275-G dated June 13, 1961, and 275-I dated September 19, 1966, issued by the Louisiana Public Service Commission.

No. MC-FC-69961. By order of November 27, 1967, the Transfer Board approved the transfer to Varsity Coach

Corp., Jackson Heights, N.Y., of certificate No. MC-1111, issued October 16, 1967, to George's Bus Co., Inc., Brooklyn, N.Y., and authorizing the transportation of passengers and their baggage, restricted to traffic originating in the territory and at the point indicated, in charter operations, from points in Orange and Rockland Counties, N.Y., and New York, N.Y., to points in New Jersey, New York, and Connecticut; and return, Shatzkin & Cooper, 235 East 42d Street, New York, N.Y. 10017, attorneys for transferee, Sidney J. Leshin, 501 Madison Avenue, New York, N.Y. 10022, attorney for transferor.

No. MC-FC-70004. By order of November 24, 1967, the Transfer Board approved the transfer to Blue Comet Express, Inc., Philadelphia, Pa., of the operating rights in certificates Nos. MC-31084, MC-31084 (Sub-No. 1), and MC-31084 (Sub-No. 4) respectively, issued April 20, 1937, effective May 20, 1967, February 26, 1942, and March 6, 1967, respectively to Joseph T. Braun, doing business as Blue Comet Express, Phila., Pa., authorizing the transportation of: Household goods, and general commodities, with certain exceptions, between points in New York, New Jersey, Pennsylvania, Connecticut, Maryland, Delaware, and the District of Columbia. Arthur S. Lorch, 202 North Broad Street, Phila., Pa. 19102, attorney for applicants.

No. MC-FC-70025. By order of November 27, 1967, the Transfer Board approved the transfer to Triple "D" Cartage, Inc., of the operating rights in Permit No. MC-105424 issued April 27, 1965, to Plagge Truck Line, Inc., Mason City, Iowa, authorizing the transportation of: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business*, between Mason City, Iowa, on the one hand, and, on the other, Albert Lea, Ceylon, Gordonsville, and Elmore, Minn. Clayton L. Wornson, 824 Brick and Title Building, Mason City, Iowa 50401, attorney for applicants.

No. MC-FC-70028. By order of November 27, 1967, the Transfer Board approved the transfer to Edward G. Gentzkow, doing business as Gentzkow Trucking Service, La Moure, N. Dak., of certificate No. MC-101735 issued May 12, 1960, to Leo J. Nowak, doing business as Erickson Trucking Service, Litchville, N. Dak., and authorizing the transportation of: General commodities, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Moorhead, Minn., and Litchville, N. Dak., serving the intermediate and off-route North Dakota points of Fargo, Fingal, Nome, Hastings, Litchville, Marion, Dickey, Grand Rapids, La Moure, Verona, North La Moure Store, and Fort Ransom; and, cream, milk, eggs, and poultry, from points in a specified eastern area of North Dakota to Moorhead, Minn.

Theodore F. Kessel, La Moure, N. Dak.
58458, attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-14164: Filed, Dec. 4, 1967;
8:47 a.m.]

[Notice 59]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 1, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 1746 of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

SYNOPSIS FOR FEDERAL REGISTER

No. MC-FC-69676. By order of October 30, 1967, Transfer Board approved the transfer to Van Fleet Moving & Storage Co., Inc., Manchester, N.H. 03101 of that portion of the operating rights of Stewart Trucking Co., Inc., 03103, in certificate No. MC-21531, issued March 1, 1966, authorizing the transportation, over irregular routes, of household goods, between points in Rockingham, Hillsborough, Merrimack, and Belknap Counties, N.H., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, and Vermont. Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005, attorney for applicants.

No. MC-FC-69915. By order of October 31, 1967, the Transfer Board approved the transfer to Antietam Transit Company, Inc., Hagerstown, Md., the operating rights in certificate No. MC-125769 issued September 3, 1964 to Frederick Transit Co., Inc., Frederick, Md., authorizing the transportation of: Passengers and their baggage, and express, newspapers, and mail, in the same vehicle, between Charles Town, W. Va., and Frederick, Md., serving all intermediate points, and Brunswick, Md., over specified regular routes. S. Harrison Kahn, Investment Building, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-69962. By order of October 31, 1967, the Transfer Board approved the transfer to Sylvester Brown, Albert Grzesiak, Arthur Rindfleisch, Robert Voeltner, Otto Rindfleisch, Wilbert Facklum, Frank Rindfleisch, Ervin Ahles, John Voeltner, and Myron Koskey, a partnership, doing business as Associated Trucking Co., Mosinee, Wis., of certificates Nos. MC-126026 and MC-126026

(Sub-No. 1), issued June 24, 1964, and March 1, 1965, respectively, to Sylvester Brown, Albert Grzesiak, Arthur Rindfleisch, Robert Voeltner, Otto Rindfleisch, Wilbert Facklum, Frank Rindfleisch, Ervin Ahles, James Roseth, and Myron Koskey, a partnership, doing business as Associated Trucking Co., Mosinee, Wis., and authorizing the transportation of: Meats, meat products, and meat by-products, and articles distributed by meat-packinghouses as described in appendix I to the report in 61 M.C.C. 209 and 766, from Madison and Mosinee, Wis., to Duluth, Minn., and the same commodities, except animal and poultry feeds and ingredients therefor, from Duluth, Minn., to points in Ashland, Barron, Bayfield, Douglas, Iron, Marathon, Price, Sawyer, and Washburn Counties, Wis. Sylvester Brown, Managing Partner, Associated Trucking Co., Route 2, Box 370, Mosinee, Wis. 54455, representative for applicants.

No. MC-FC-69976. By order of October 31, 1967, the Transfer Board approved the transfer to Sam Foss, Jr., Hamilton, Mont., of certificate of registration No. MC-120373 (Sub-No. 2) issued August 4, 1964 to Robert L. Roy, doing business as Ravalli Motor Freight, Hamilton, Mont., authorizing the transportation, in interstate or foreign commerce of commodities, within the State of Montana. Thomas P. Koch, Post Office Box 389, Hamilton, Mont. 59840, attorney for applicants.

No. MC-FC-69977. By order of October 31, 1967, the Transfer Board approved the transfer to Edson Express, Inc., Longmont, Colo., of a portion of certificate of registration No. MC-120872 (Sub-No. 2) issued June 25, 1965, to Colorado Cartage Co., Inc., authorizing the transportation in interstate or foreign commerce, of property, between specified points and areas in Colorado. John H. Lewis, The 1650 Grant Building, Denver, Colo. 80203, attorney for applicants.

No. MC-FC-69966. By order of October 19, 1967, the Transfer Board approved the transfer to M & H Trucking, Inc., Farmington, N. Mex., of the portion of the operating rights in certificate No. MC-8907 issued December 15, 1960 to Oil Field Truckers, Inc., Odessa, Tex., authorizing the transportation of: Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and byproducts, and the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except picking up or stringing pipe in connection with main or trunk pipelines, between points in Nevada, on the one hand, and, on the other, points in Texas, and those in Lea, Eddy, San Juan, Rio Arriba, and McKinley Counties, N. Mex. Alvin J. Meiklejohn, Jr., 420 Denver Club Building, attorney for applicants.

No. MC-FC-69989. By order of October 31, 1967, the Transfer Board approved

the transfer to Stewart Lines, Inc., 15716 West 78th Street, Eden Prairie, Minn., of the certificate in No. MC-582, issued July 7, 1966, to Johnny Transit Lines, Inc., doing business as Stewart Bus Lines, same address, authorizing the transportation of: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Eau Claire, Wis., and Winona, Minn., between Rochester, Minn., and Nelson, Wis., and between Galesville, Wis., and Winona, Minn., serving all intermediate points on the highways specified.

No. MC-FC-69997. By order of October 31, 1967, the Transfer Board approved the transfer to Geiger Transportation, Inc., Pandora, Ohio, of certificate of registration No. MC-121263 (Sub-No. 1), issued July 12, 1965, to Grover J. Geiger, Jr., doing business as Geiger Transportation, Pandora, Ohio, and evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in certificate No. 9019-I, dated January 31, 1962, issued by the Ohio Public Utilities Commission. James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-69998. By order of October 31, 1967, the Transfer Board approved the transfer to Maynard A. Ingraham and Pauline C. Ingraham, a partnership, doing business as Bunney's Transportation, Royalton, Vt., of certificates Nos. MC-112314 (Sub-No. 2), MC-112314 (Sub-No. 3), MC-112314 (Sub-No. 4), and MC-112314 (Sub-No. 5), all issued April 4, 1952, to John Daniel Kilburn, doing business as Kilburn's Transportation, Royalton, Vt., and authorizing the transportation of: malt beverages, from Rochester, Utica, Albany and Troy, N.Y., to Burlington, Vt.; from Albany and Troy, N.Y., to St. Albans and Albany, Vt.; from Rochester and Troy, N.Y., to Rutland, Vt., and from Utica, Albany, and Troy, N.Y., to Barre, Vt.; empty containers for malt beverages, from the specified destination points in Vermont to the specified origin points in New York, and fresh fruits and vegetables, from Rochester, N.Y., and points in New York within 50 miles of Rochester, to Rutland and Burlington, Vt. John J. Brady, 75 State Street, Albany, N.Y. 12207, attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-14224: Filed, Dec. 4, 1967;
9:43 a.m.]

[Notice 59-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 1, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69686. By order of November 8, 1967, Division 3, acting as an appellate Division on reconsideration, approved the transfer to Fairbanks Midwest Truck Lines, Inc., Anchorage, Alaska, of certificate No. MC-126526, issued March 22, 1966, to John C. Haggerty, doing business as Fairbanks Midwest Truck Lines, Anchorage, Alaska, and authorizing the transportation of general commodities, with usual exceptions, between Sioux Falls and Rapid

City, S. Dak., Storm Lake and Sioux City, Iowa, Omaha and Wakefield, Nebr., and Fargo, N. Dak., on the one hand, and, on the other, points in Alaska. Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102, attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.[F.R. Doc. 67-14225; Filed, Dec. 4, 1967;
9:43 a.m.]

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Tuesday, December 5, 1967 • Washington, D.C.

PART II

Department of State
Agency for International Development
U.S. Information Agency

Employee Responsibilities and Conduct



Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.575]

PART 10—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Pursuant to and in conformity with sections 201 through 209 of the United States Code, Executive Order No. 11222 of May 8, 1965 (30 F.R. 6469), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, Part 10 is revised to read as set forth below.

These regulations supersede and cancel Departmental Regulation No. 108.530, 31 F.R. 6300, April 26, 1966, and Departmental Regulation No. 108.563, 32 F.R. 11641, August 11, 1967.

This revision of Part 10 was approved by the Civil Service Commission on November 13, 1967, and shall become effective upon publication in the FEDERAL REGISTER.

IDAIR RIMESTAD,
Deputy Under Secretary for Administration, Department of State.

NOVEMBER 16, 1967.

H. REX LEE,
Assistant Administrator for Administration, Agency for International Development.

NOVEMBER 20, 1967.

LIONEL S. MOSLEY,
Assistant Director (Personnel and Training), U.S. Information Agency.

NOVEMBER 16, 1967.

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AUTHORITY: The provisions of this Part 10 issued under E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

Subpart A—General Provisions

§ 10.735-101 Purpose.

The maintenance of the highest standards of honesty, integrity, impartiality, and conduct by Government employees and special Government employees is essential to assure the proper performance of the Government business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of Government employees and special Government employees through informed judgment is indispensable to the maintenance of these standards. To accord with these concepts the regulations in this part prescribe standards of conduct and responsibilities for employees and special Government employees and require statements reporting employment and financial interests.

NOTE: These regulations are codified in State 3 FAM 620, AID M.O. 443.1, and USIA MOA V-A 550.

§ 10.735-102 Definitions.

(a) "Agency" means the Department of State (State), the U.S. Information Agency (USIA) and the Agency for International Development (AID).

(b) "Employee" means an officer or employee at home or abroad, of an agency named in paragraph (a) of this section, but does not include a special Government employee or a member of the Army, Navy, Air Force, Marine Corps, Coast Guard, Environmental Sciences Services Administration, or Public Health Service.

(c) "Executive order" means Executive Order 11222 of May 8, 1965.

(d) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(e) "Special Government employee" means an officer or employee of an agency who is retained, designated, appointed, or employed to perform, with or without compensation, for not to

exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis.

(f) "Member of an employee's family" means a spouse, minor child, or other member of an employee's immediate household. For the purpose of these regulations "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

(g) "Counselor" means the agency's Counselor on Ethical Conduct and Conflicts of Interest.

§ 10.735-103 Interpretation and advisory service.

(a) Counseling services on employee responsibilities and conduct are available in each agency. These services are to be coordinated by a Counselor appointed by the agency head. The Counselors are for State—the Legal Adviser; for USIA—the General Counsel; and for AID—the Deputy General Counsel. The Counselor serves as the agency's designee to the Civil Service Commission on matters covered by the regulations in this part and is responsible for coordination of the agency's counseling services under paragraph (b) of this section and for assuring that counseling and interpretations on questions of conflicts of interest and other matters covered by these sections are available to deputy counselors designated under paragraph (b) of this section.

(b) Each agency head may designate deputy counselors for the agency's employees and special Government employees. Deputy Counselors designated under this section must be qualified and in a position to give authoritative advice and guidance to each employee and special Government employee who seeks advice and guidance on questions of conflicts of interest and on other matters covered by the regulations in this part. A Washington employee or special Government employee should address any inquiries concerning the regulations in this part to the Counselor. At missions abroad the chief of each agency's establishment designates an officer, preferably the legal officer where one is available, to provide counseling services under the guidance of the Counselor; a single officer may serve all agencies. An employee or special Government employee serving abroad should submit his inquiries to the officer designated.

(c) Each agency shall periodically notify its employees and special Government employees of the availability of counseling services and how and when these services are available. A new employee or special Government employee shall be notified at the time of his entrance on duty.

§ 10.735-104 Applicability to detailed employees.

All the regulations of Subparts A, B, and D of this part are applicable to an employee of another U.S. Government agency who may be serving on detail or assignment, formally or informally, on a reimbursable or nonreimbursable basis through a Participating Agency Service

Agreement or otherwise, with an agency named in § 10.735-102(a). However, disciplinary action shall be taken against such an employee only by his employing agency.

§ 10.735-105 Disciplinary action.

A violation of the regulations in this part by an employee or special Government employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law.

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

§ 10.735-201 General.

(a) *Proscribed actions.* An employee shall avoid any action, whether or not specifically prohibited by the regulations in this part, which might result in, or create the appearance of:

- (1) Using public office for private gain;
- (2) Giving preferential treatment to any person;
- (3) Impeding Government efficiency or economy;
- (4) Losing independence or impartiality;
- (5) Making a Government decision outside official channels; or
- (6) Affecting adversely the confidence of the public in the integrity of the Government.

(b) *Applicability to members of families of employees.* A U.S. citizen employee shall take care that certain responsibilities placed on him are also observed by members of his family. These are the restrictions in regard to: Acceptance of gifts (§§ 10.735-202 and 10.735-203); economic and financial activities abroad (§ 10.735-206); teaching, lecturing, and writing (§ 10.735-204(c)); participation in activities of private organizations (§ 10.735-211(e)); and political activities abroad (§ 10.735-211(g)).

§ 10.735-202 Gifts, entertainment, and favors.

(a) *Acceptance prohibited.* Except as provided in paragraphs (b), (c), and (d) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

- (1) Has, or is seeking to obtain, contractual or other business or financial relations with his agency;
- (2) Conducts operations or activities that are regulated by his agency;
- (3) Has interests that may be substantially affected by the performance or nonperformance of his official duty; or
- (4) Appears to be offering the gift with the hope or expectation of obtaining advantage or preferment in dealing with the U.S. Government for any purpose.

(b) *Acceptance permitted.* The provisions of paragraph (a) of this section do not apply to:

- (1) Gifts, gratuities, favors, entertainments, loans, or any other thing of monetary value received on account of close family or personal relationships when the circumstances make it clear that it is that relationship rather than the business of the persons concerned which is the motivating factors;

(2) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans;

(3) Acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value;

(4) Acceptance of rates and discounts offered to employees as a class.

(c) *Acceptance permitted for State and USIA employees.* For State and USIA employees the provisions of paragraph (a) of this section do not apply to: Acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance.

(d) *Acceptance permitted for AID employees.* For AID employees the provisions of paragraph (a) of this section do not apply in the following situations:

- (1) In some circumstances the interests of the Government may be served by participation of employees in widely attended lunches, dinners, and similar gatherings sponsored by industrial, technical, and professional associations for the discussion of matters of mutual interest to Government and industry. Participation of employees is appropriate where the host is the association and not the individual contractor. However, acceptance of entertainment or hospitality from private companies in connection with such association activities is prohibited.
- (2) In the unusual situation where employees would by virtue of the location of the person, firm, corporation, or other entity, or the regulations governing its dining facilities, find it inconvenient or impractical not to accept meals and refreshment at the host's expense at said location or facility, personnel may accept such meals or refreshments.
- (3) There will be situations where in the judgment of the individual concerned, the Government's interest would be served by participation of an employee in activities comparable to those enumerated in subparagraphs (1) and (2) of this paragraph, particularly where officers are dealing with a foreign government; in any such case in which an employee accepts any favor, gratuity, or entertainment directly or indirectly from any foreign government, person, firm, corporation, or any entity which is engaged or is endeavoring to engage in business transactions of any sort with AID, a report of the circumstances, together with the employee's statement as to how the Government's interests were served, will be made within 48 hours to the employee's supervisor or, if the employee is serving abroad, to the Mission Director.

(e) *Gifts to superiors.* An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift

of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(f) Neither this section nor § 10.735-204 precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under agency orders when reimbursement is proscribed by Decision B-128527 of the Comptroller General dated March 7, 1967.

§ 10.735-203 Gifts from foreign governments.

An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342, and the regulations promulgated thereunder pursuant to E.O. 11320, 31 F.R. 15789. These regulations are set forth in Part 3 of this title (as added, 32 F.R. 6569, Apr. 28, 1967), and in 3 FAM 621.

§ 10.735-204 Outside employment and other activity.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include but are not limited to:

- (1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest; or
- (2) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(b) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government (18 U.S.C. 209).

(c) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, the Executive order, this part, or the agency regulations. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available or when the agency head gives written authorization for use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a Presidential appointee covered by section 401(a) of the Executive order shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which

is devoted substantially to the responsibilities, programs, or operations of his agency, or which draws substantially on official data or ideas which have not become part of the body of public information. Employees are referred to the detailed rules of their agency with respect to clearance and acceptance of compensation (3 FAM 628 and for AID see M.O. 831.2).

(d) An employee shall not engage in outside employment under a State or local government, except in accordance with Part 734 of the Civil Service Commission regulations (5 CFR Part 734).

(e) An employee shall not render any services, whether or not compensated, to any foreign government, state, province, or semigovernmental agency, or municipality of any foreign government, or to any international organization of states. However, this shall not prevent the rendering of such services by employees acting on behalf of the United States. Nor shall this provision prevent the rendering of services to an international organization of states when otherwise consistent with law and when authorized by the appropriate officer. The appropriate officer for State is the Director General, for USIA the Assistant Director (Personnel and Training), and for AID the Assistant Administrator for Administration.

(f) An employee shall not engage in any teaching or related activities directed toward the special preparation of individuals for examinations of the U.S. Civil Service Commission or the Foreign Service (Executive Order 9367).

(g) This section does not preclude an employee from:

(1) Participation in the activities of national or State political parties not proscribed by law.

(2) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

§ 10.735-205 Financial interests.

(a) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially with his Government duties and responsibilities; or

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(b) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law or the regulations in this part.

§ 10.735-206 Economic and financial activities of employees abroad.

(a) *Prohibitions in any foreign country.* A U.S. citizen employee abroad is specifically prohibited from engaging in the activities listed below in any foreign country.

(1) Speculation in currency exchange.

(2) Transactions at exchange rates differing from local legally available rates, unless such transactions are duly authorized in advance by the agency.

(3) Sales to unauthorized persons (whether at cost or for profit) of currency acquired at preferential rates through diplomatic or other restricted arrangements.

(4) Transactions which entail the use, without official sanction, of the diplomatic pouch.

(5) Transfers of funds on behalf of blocked nationals, or otherwise in violation of U.S. foreign funds and assets control.

(6) Independent and unsanctioned private transactions which involve an employee as an individual in violation of applicable control regulations of foreign governments.

(7) Acting as an intermediary in the transfer of private funds from persons in one country to persons in another country, including the United States.

(8) Permitting use of one's official title in any private business transactions or in advertisements for business purposes.

(b) *Prohibitions in country of assignment.* (1) A U.S. citizen employee shall not transact or be interested in any business or engage for profit in any profession or undertake other gainful employment in any country or countries to which he is assigned or detailed in his own name or through the agency of any other person; exceptions may be made with respect to chiefs of mission only in writing by the Deputy Under Secretary for Administration, and for all other State employees by the appropriate chief of mission; for USIA employees by the Assistant Director (Personnel and Training); and for AID employees by the assistant administrator of the regional bureau or head of the nonregional organization, as appropriate, or their designees (see 22 U.S.C. 805).

(2) A U.S. citizen employee shall not invest in real estate or mortgages on properties located in his country of assignment. The purchase of a house and land for personal occupancy is not considered a violation of this subparagraph.

(3) A U.S. citizen employee shall not invest money in bonds, shares or stocks of commercial concerns headquartered in his country of assignment or conducting a substantial portion of their business in such country. Such investments, if made prior to knowledge of assignment or detail to such country or countries, may be retained during such assignment or detail when approved in writing by the appropriate official named in subparagraph (1) of this paragraph. If retention is authorized, such stocks, shares, or bonds may not be sold while the employee is assigned or detailed to the country or countries, unless the agency approved the sale in writing.

(4) A U.S. citizen employee shall not sell or dispose of personal property, including automobiles, at prices producing profits to him which result primarily from import privileges derived from his official status as an employee of the U.S. Government. Employees are referred to FAMC 378; for AID see M.O. 443.5.

(c) *Acceptance of employment by members of family abroad.* Members of a U.S. citizen employee's family may not transact or be interested in any business or engage in gainful employment in the country to which the employee is assigned without express approval of the chief of an agency's establishment.

(1) Employment of such family members by the agency itself is governed by the regulations of the agency concerned.

(2) The chief of any agency's establishment may authorize employment of such family members in another U.S. Government agency.

(3) With the authorization of the chief of the agency's establishment, such family member may, for example:

(i) Teach or be employed in schools, hospitals, or similar establishments.

(ii) Teach or be employed in Bilingual Centers.

(iii) Work in cooperative commissaries.

(iv) As dependent children, maintain paper routes or perform other casual, part-time duties.

(v) Accept employment which supports overall U.S. objectives by favorably reflecting educational, cultural, and professional accomplishments of U.S. citizens.

In considering requests for permission for members of a family to accept employment abroad, the authorizing officer shall follow generally consistent policies approved by the Ambassador and should consider: The propriety of employment with institutions supported directly by the local government; any adverse effects on relations between the United States and the host government; possible violation of local custom; possible violation of conflict of interest regulations; competition with the local labor market that might result from such employment; possible conflict with the representational activities of a member of the family of an officer with representational responsibilities; and possible adverse effects on the special status of the employee and his family as official representatives of the United States. It should also be borne in mind that persons accepting employment abroad may not enjoy immunity from judicial process and that they would be subject to the payment of any taxes deriving from their nondiplomatic employment.

(d) *Business activities of non-U.S. citizen employees.* A non-U.S. citizen employee abroad may engage in outside business activities with the prior approval of the head of the overseas establishment on the basis of the standards expressed in § 10.735-204(a).

§ 10.735-207 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

§ 10.735-208 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, except as provided in § 10.735-204(c) directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 10.735-209 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the agency determines does not, under circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require an agency to determine the validity or amount of the disputed debt.

§ 10.735-210 Gambling, betting, and lotteries.

An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities:

- (a) Necessitated by an employee's law enforcement duties; or
- (b) Under section 3 of Executive Order 10927 and similar agency-approved activities.

§ 10.735-211 Activities relating to private organizations and politics.

(a) *Definition.* For the purpose of this section, the term "private organization" denotes any group of persons or associations organized for any purpose whatever, except an organization established by the Government of the United States, or officially participated in by State, USIA, or AID.

(b) *Participation in activities of employee organizations.* An employee may join or refrain from joining employee organizations or associations without interference, coercion, restraint, or fear of discrimination or reprisal.

(c) *Participation in activities of private organizations.* In participating in the program and activities of any private organization, an employee shall make clear that his agency has no official connection with such organization and does not necessarily sponsor or sanction the viewpoints which it may express.

(d) *Legal restrictions on membership in certain organizations.* (1) An employee shall not have membership in any organization of Government employees that asserts the right to strike against the Government of the United States or the agency, knowing that such organization asserts such right (5 U.S.C. 7311, 18 U.S.C. 1918).

(2) An employee shall not have membership in any organization that advocates the overthrow of our constitutional form of Government in the United States, knowing that such organization so advocates (5 U.S.C. 7311, 18 U.S.C. 1918).

(e) *Private organizations concerned with foreign policy or other matters of concern to agencies—(1) Limitation on participation.* When a private organization is concerned primarily with foreign policy or international relations or other matters of concern to an employee's agency, an employee shall limit his connection therewith as follows: Unless specifically permitted to do so, he may not serve as advisor, officer, director, teacher, sponsor, committee chairman, or in any other official capacity or permit his name to be used on a letterhead, in a publication, in an announcement or news story, or at a public meeting, regardless of whether his official title or connection is mentioned. The provisions of this section are not intended to prohibit the normal and active participation of an employee in professional organizations such as the American Political Science Association, the American Economic Association, the American Foreign Service Association, and similar organizations, since such participation is in the interest of both the employee and the Government. Employees are expected, however, to exercise discretion in such activities and are held personally accountable for any improper use of their relationship with State, USIA, and AID.

(2) *Request for special permission.* Special permission to assume or continue a connection prohibited by subparagraph (1) of this paragraph may be granted in cases where the public interest will not be adversely affected. To request such permission, or to determine whether the provisions are applicable to a particular case, the employee shall address a memorandum setting forth all of the circumstances to the appropriate officer. The appropriate officer is for State the Director General; for USIA the Assistant Director (Personnel and Training); and for AID the Senior Personnel Officer under whose jurisdiction the employee serves.

(3) *Application to senior officers.* Because of the prominence resulting from their official positions, chiefs of mission and other senior officers should recognize the particular bearing of the provisions of subparagraph (1) of this paragraph upon their activities. They should restrict association with any organizations involving foreign nations and the United States to simple membership and should not accept even honorary office in such organizations except with the specific prior approval as provided in subparagraph (2) of this paragraph.

(f) *Private organizations not concerned with foreign policy.* When the purpose and program of the organization do not fall primarily within the field of foreign policy or international relations, the employee's activity is limited only to the following extent:

- (1) His official title or connection may be used to identify him, as in a civic association election, but may not be used

on a letterhead, in a publication, or otherwise so as to employ the prestige of the U.S. Government to enhance that of the organization or to imply official sponsorship.

(2) When he is a representative of an association consisting of State, USIA, or AID employees, or of a group of such employees, his connection with his agency may be freely used so long as there is no implication of official sponsorship beyond that which may have been officially approved.

(g) *Political activities abroad.* A U.S. citizen employee shall not engage in any form of political activity in any foreign country.

(h) *Activities relating to U.S. politics.* The law (5 U.S.C. 7324, formerly the Hatch Act) provides in summary that it is unlawful for any Federal employee of the executive branch to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof, or to take any active part in political management or in political campaigns. These restrictions do not in any way affect the right of a Federal employee (1) to vote as he chooses; (2) to express personal political opinions, except as part of a campaign; (3) to make or refrain from making contributions to political organizations, provided contributions are not made in a Federal building or to another Federal officer or employee (see 18 U.S.C. 602, 603, 607, and 608); (4) to participate in local, nonpartisan activities.

§ 10.735-212 Wearing of uniforms.

(a) An employee of the Foreign Service may not wear any uniform except as may be authorized by law or as a military commander may require civilians to wear in a theater of military operations (22 U.S.C. 803). When an employee is authorized by law or required by a military commander of the United States to wear a uniform, care shall be taken that the uniform is worn only at authorized times and for authorized purposes.

(b) *Conventional attire worn by chauffeurs, elevator operators, and other miscellaneous employees* are not considered uniforms within the meaning of this section except that, for USIA, MOA VII 917.2b prohibits the purchase from Agency funds of uniforms or any item of personal wearing apparel other than special protective clothing.

§ 10.735-213 Recommendations for employment.

(a) *Making recommendations in official capacity.* In general, an employee shall not, in his official capacity, make any recommendations in connection with the employment of persons unless the positions concerned are with the Government of the United States and the recommendations are made in response to an inquiry from a Government official authorized to employ persons or to investigate applicants for employment. A principal officer in answer to a letter of inquiry from outside the U.S. Government concerning a former employee assigned to the post, may state the length of time the person was employed at the post and the fact that he performed his duties in a satisfactory manner, if such is the

case. Also, an AID Mission Director may provide names of persons or firms from which a cooperating government may select an employee or firm to be used in some phase of the AID program.

(b) *Making personal recommendations.* An employee may make a personal recommendation in connection with the employment of any person, except for employment in a position of trust or profit under the government of the country to which the employee is accredited or assigned (22 U.S.C. 806(b)); *Provided*, That the employee does not divulge any information concerning the person derived from official sources. When a letter of introduction or recommendation is written by an employee, precautionary measures should be taken to prevent its being construed as official correspondence and used by an unscrupulous individual to impress American or foreign officials. Accordingly, official stationery should not be used for this purpose. The letter may, however, show the recommending employee's status as an employee of the U.S. Government. Every personal letter of recommendation shall contain a statement clearly indicating that the letter constitutes a personal recommendation and is not to be construed as an official recommendation by the Government of the United States.

§ 10.735-214 Transmitting communications and gifts.

(a) *Correspondence.* In corresponding with anyone other than the proper official of the United States with regard to the public affairs of a foreign government, an employee shall use discretion and judgment to ensure that neither the United States nor the employee will be embarrassed or placed in a compromising position (22 U.S.C. 806(a)).

(b) *Communications.* An employee shall not act as an agent for the transmission of communications from private persons or organizations in foreign countries to the President or to Federal, State, or municipal officials in the United States. A chief of mission may, however, accept communications of this nature and forward them to the Department of State for such further action as may be appropriate, whenever he determines it to be clearly in the public interest to do so.

(c) *Gifts.* An employee shall not act as an agent for the transmission of gifts from persons or organizations in foreign countries to the President or to Federal, State or municipal officials in the United States. However, principal officers may, according to regulations prescribed by the President, accept, and forward to the Office of Protocol of the Department of State, gifts made to the United States or to any political subdivision thereof by the Government to which they are accredited or from which they hold exequaturs. Employees shall not, without the approval of the Secretary of State, transmit gifts from persons or organizations in the United States to heads or other officials of foreign states.

§ 10.735-215 General conduct prejudicial to the Government.

(a) An employee shall not engage in criminal, infamous, dishonest, immoral,

or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

(b) An employee abroad is also obligated to obey the laws of the country in which he is present.

(c) An employee shall observe the requirements of courtesy, consideration, and promptness in dealing with or serving the public.

§ 10.735-216 Miscellaneous statutory provisions.

Each employee shall acquaint himself with each statute that relates to his ethical and other conduct as an employee of his agency and of the Government.

(a) The attention of employees is directed to the following statutory provisions:

(1) House Concurrent Resolution 175, 85th Congress, 2d session, 79 Stat. B12, the "Code of Ethics for Government Service."

(2) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(3) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(4) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(5) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 785).

(6) The prohibitions against (i) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (ii) the disclosure of confidential information (18 U.S.C. 1905).

(7) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(8) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(9) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(10) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(11) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(12) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(13) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(14) The prohibition against (i) embezzlement of Government money or property (18 U.S.C. 641); (ii) failing to account for public money (18 U.S.C. 643); and (iii) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(15) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(16) The prohibition against political activities in subchapter III of chapter 73 of title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(17) The prohibition against an employee acting as the agent of a foreign

principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(18) The prohibition against discrimination because of politics, race, religion, or color (22 U.S.C. 807).

(b) The attention of consular officers is directed to the following statutory provisions:

(1) The provisions relating to the duty to account for fees received (22 U.S.C. secs. 9, 812, 1194), liability for exaction of excessive fees (22 U.S.C. secs. 1182, 1189), and liability for failure to collect proper fees (22 U.S.C. 1190).

(2) The provisions relating to liability for neglect of duty or malfeasance generally (22 U.S.C. 1199), liability for failure to give bond and for embezzlement (22 U.S.C. 1179), liability for embezzlement of fees or of effects of American citizens (22 U.S.C. 1198), and liability for falsely certifying as to the ownership of property (22 U.S.C. 1200).

(3) The prohibition against profiting from dealings with discharged seamen (22 U.S.C. 1187).

(4) The provision relating to liability for failure to collect the wages of discharged seamen (46 U.S.C. 683).

Subpart C—Ethical and Other Conduct and Responsibilities of Special Government Employees

§ 10.735-301 Conflicts of interest.

Special Government employees are subject to the conflicts of interest statutes (18 U.S.C. 202). An explanation of these conflicts of interest statutes, their effects upon special Government employees and guidelines for obtaining and utilizing the services of special Government employees are in Appendix C of Chapter 735 of the Federal Personnel Manual. A special Government employee shall not have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities.

§ 10.735-302 Use of Government employment.

A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

§ 10.735-303 Use of inside information.

(a) A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(b) A special Government employee may engage in teaching, lecturing, or writing that is not prohibited by law, Executive Order 11222 or the regulations in this part; however, a special Government employee shall not, either for or

without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available, or when the head of the agency gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. A special Government employee who wishes to request the agency head to authorize the use of nonpublic information should submit such request through the Counselor. The request should contain complete information concerning the nonpublic information which the employee wishes to disclose and should contain in addition an indication of the intended use of such information and how disclosure of it would be in the public interest.

§ 10.735-304 Coercion.

A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person particularly one with whom he has family, business, or financial ties.

§ 10.735-305 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section, a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with his agency anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

(b) The exceptions to the prohibition against the acceptance of gifts which have been granted to employees in § 10.735-202 (b), (c), and (d) are also applicable to special Government employees.

(c) A special Government employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in § U.S.C. 7342, and the regulations promulgated thereunder pursuant to E.O. 11520; 31 F.R. 15789. These regulations are set forth in Part 3 of this title (as added, 32 F.R. 6569, Apr. 28, 1967), and in 3 FAM 621.

(d) A special Government employee shall avoid any action, whether or not specifically prohibited by these sections on special Government employees, which might result in, or create the appearance of:

- (1) Using public office for private gain;
- (2) Giving preferential treatment to any person;
- (3) Impeding Government efficiency or economy;
- (4) Losing independence or impartiality;
- (5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

§ 10.735-306 Miscellaneous statutory provisions.

Each special Government employee shall acquaint himself with each statute that relates to his ethical and other conduct as a special Government employee of his agency and of the Government. The attention of special Government employees is directed to the statutes listed in § 10.735-216.

Subpart D—Statements of Employment and Financial Interests

§ 10.735-401 Employees required to submit statements.

The following employees of State, AID, and USIA shall submit statements of employment and financial interests:

(a) All special Government employees including experts or consultants serving on a full-time or intermittent basis, except when waived under § 10.735-402(c).

(b) Employees paid at a level of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code, except as provided in § 10.735-402(b).

(c) Except as provided in § 10.735-402, employees classified at GS-13, FSO-4, FSR-5, FSS-2, AD-13, PC-5, or above, who are in positions hereby identified either as positions the basic duties of which impose upon the incumbent the responsibility for a Government decision or taking a Government action in regard to:

- (1) Contracting or procurement;
- (2) Administering or monitoring grants or subsidies;
- (3) Regulating or auditing private or other non-Federal enterprise;
- (4) Other activities where the decision or action has an economic impact on the interests of any non-Federal enterprise,

or as positions which have duties and responsibilities which require the incumbent to report employment and financial interests in order to avoid involvement in a possible conflict of interest situation and carry out the purpose of law, Executive order, and the agency's regulations:

STATE

Director General; Chairman of the Policy Planning Council; Inspector General; Director, FSI; Director, SCI; Special Assistant to Secretary, Under Secretary or Deputy Under Secretary; Deputy Assistant Secretary and others at this level or above; Director of Operations; Office Director; Country Director; Program Director; Division Chief in Bureau of Economic Affairs, in the Office of Operations (O/OPR), or in the Office of Foreign Buildings; Executive Director; Deputy Chief of Mission; Principal Officer; Economic Counselor; Commercial Counselor; Administrative Counselor; Civil Air Attaché; Petroleum Officer; Minerals Officer; Contracting Specialist; Procurement Specialist; Despatch Agent; Traffic Manager; Traffic Management Specialist.

USIA

Deputy Directors, Assistant Directors, Deputy Assistant Directors, and Associate Directors, USIA, Executive Assistants to the Director or Deputy Director of the Agency,

Inspector General, Commissioner General, Deputy Commissioner General, Staff Director (U.S. Advisory Commission on Information), Engineering Manager (IBS), Production Manager (IMV), Chief, Exhibits Division (ICS), Art Director (I), Country Public Affairs Officer, Deputy Country Public Affairs Officer, Public Affairs Counselor, Deputy Public Affairs Counselor, Director or Manager of Regional Service Center, Radio Relay Station, Radio Program Center or Radio Relay Station Construction Site, Administrative Officer or Executive Officer at a post abroad, Administrative Officer, Executive Officer and Business Manager (occupational codes 301, 340, 341, and 1101), Contracting Specialist and Procurement Specialist (occupational code 1102), Auditor and Accountant (occupational code 510), General Counsel, Deputy General Counsel, or Attorney (occupational code 905).

AID

(1) AID/W: Deputy Assistant Administrators, Associate Assistant Administrators, Deputy Associate Assistant Administrators, Heads and Deputy Heads of Offices, Staffs, and Divisions, Desk Officers and Deputy Desk Officers.

(2) Overseas: Mission Directors, Deputy Directors, AID Representatives, AID Affairs Officer, AID Liaison Officer, and Assistant Directors.

(3) In addition the classes of persons whose position fall within the following occupational categories: 0083 Chief of Public Safety Advisor and his Deputy; 0301 Loan Implementation Officer, Project Implementation Officer, Program Development Officer, Cooperative Advisor/Specialist, Commercial Credit Specialist or Advisor, or any person serving as chief of an operational branch responsible for housing, loans, guarantees, or other commercial type transactions with the public; 0340 Program Management Group; 0341 Executive Officer, Deputy Executive Officer, Assistant Executive Officer, Business Manager, General Services Officer (Property and Supply) or (Procurement); 0905 Attorney-Advisor Group; 1102 Contract and Procurement Group; 1140 Trade Specialist Group; 1150 Industrial Specialist Group; 1152 Production Control Group; 1160 General Finance Group; 1165 Loan Specialist Group; 2001 General Supply Group; 2020 Purchasing Group; 0510 Accounting Group.

§ 10.735-402 Employees not required to submit statements.

(a) Employees in positions that meet the criteria in paragraph (c) of § 10.735-401 may be excluded from the reporting requirement when the agency head or his designee determines that:

(1) The duties of the position are such that the likelihood of the incumbent's involvement in a conflict-of-interest situation is remote;

(2) The duties of the position are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review over incumbent or the inconsequential effect on the integrity of the Government.

(b) A statement of employment and financial interests is not required by the regulations in this part from an agency head, or a full-time member of a committee, board, or commission appointed by the President. These employees are subject to separate reporting requirements under section 401 of Executive Order 11222.

(c) Special Government employees not required to submit statements. An agency head may waive the requirement of this section for the submission of a statement of employment and financial interest in the case of a special Government employee who is not a consultant or an expert when the agency finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government. For the purpose of this paragraph, "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual, but do not include a physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients.

§ 10.735-403 Employee's complaint on filing requirement.

Each employee shall have the opportunity for review through his agency's grievance procedure of his complaint that his position has been improperly included within § 10.735-401 as one requiring the submission of a statement of employment and financial interests. Employees are reminded that they may obtain counseling pursuant to § 10.735-103 prior to filing a complaint.

§ 10.735-404 Time and place of submission, and forms.

(a) An employee or special Government employee shall submit his statement to his Counselor (in the case of a State employee, through his Bureau) no later than:

(1) Ninety days after the effective date of this part if he has entered on duty on or before that effective date; or

(2) At least 10 days prior to his entrance on duty, if he enters on duty after that effective date; except that an employee or special Government employee who enters on duty within 90 days of the effective date of this part may submit his statement within 90 days after his entrance on duty.

(b) Only the original of the statement or supplement thereto required by this part shall be submitted. The individual submitting a statement should retain a copy for his own records.

§ 10.735-405 Information required.

(a) *Employees.* Employees' statement of employment and financial interests required by the regulations in this part shall be submitted on the form, "Confidential Statement of Employment and Financial Interests (for use by Government Employees)", Form JF-1, and shall contain all the information therein required.

(b) *Special Government employees.* All special Government employees shall submit statements of employment and financial interest on the form, "Confidential Statement of Employment and Financial Interests (for use by Special Government Employees)", Form JF-1A for State and USIA, Form AID 4-450 for AID, and shall contain all the information therein required.

(c) *Interests of employee's relatives.* The interest of a member of an employee's family is considered to be an interest of the employee. The term "member of an employee's family" is defined in § 10.735-102(f).

(d) *Information not known by employees.* If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

(e) *Interests not required to be reported.* An employee need not report an interest which has by general rule or regulation published in the Federal Register under section 208(b)(2) of title 18, United States Code, been exempted as too remote or too inconsequential to affect the integrity of employees' services.

(f) *Information prohibited.* The regulations in this part do not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants or money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 10.735-406 Submission of position description.

Each Statement of Employment and Financial Interests or annual supplement thereto must be accompanied by a full description of the employee's principal governmental duties. The description should be particularly detailed in regard to those duties which might possibly be an element in a conflict of interest. If the statement indicates that the employee has no outside employment or financial interests, the employee need not submit a description of duties. For a special Government employee, the employing office shall submit the description.

§ 10.735-407 Supplementary statements.

(a) Changes in, or additions to, the information contained in an employee's statement of employment and financial interests, shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of title 18, United States Code, or Subpart B of this part.

(b) An employee is also to keep current his description of principal duties as to changes or additions which might possibly be an element in a conflict of interest. The employing office shall submit descriptions of changes in the principal duties of a special Government employee as they occur.

§ 10.735-408 Review of statements and determination as to conflicts of interest.

(a) On the basis of the Statement of Employment and Financial Interests submitted by each employee or special Government employee, or on the basis of information received from other sources, the Counselor shall determine, in the light of the duties which that employee or special Government employee is or will be performing, whether any conflicts of interest, real or apparent, are indicated. The Counselor shall make this determination based on the applicable statutes, the Executive order and the applicable regulations of the Civil Service Commission, and of the agency.

(b) Where the Counselor's determination in a particular case is that a conflict of interest, real or apparent, is indicated, he shall initiate informal discussions with the employee or special Government employee concerned. These discussions shall have as their objectives:

(1) Providing the individual with a full opportunity to explain the conflict or appearance of conflict; and

(2) Arriving at an agreement (acceptable to the Counselor, the individual and the individual's immediate superior) whereby the conflict of interest may be removed or avoided. Such an agreement may include, but is not limited to:

(i) Changes in assigned duties;

(ii) Divestiture of the financial or employment interest creating the conflict or apparent conflict; or

(iii) Disqualification for a particular assignment.

(c) Where an acceptable agreement cannot be obtained pursuant to paragraph (b) of this section, the Counselor shall present his findings and recommendations to the officer designated by the agency head, who shall decide which remedy is most appropriate to remove or correct that conflict or apparent conflict. Remedial action under this paragraph may include disciplinary action or any of the actions enumerated in subparagraph (2) of paragraph (b) of this section and shall be effected in accordance with applicable laws, Executive orders, and regulations.

(d) Written summaries of all agreements and decisions arrived at pursuant to paragraph (b) or (c) of this section shall be placed in the Counselor's files. Copies shall also be made available to the employee or special Government employee concerned.

§ 10.735-409 Confidentiality of employees' statements.

An agency shall hold each statement of employment and financial interests and each supplementary statement, in confidence. To insure this confidentiality only the Counselor and Deputy Coun-

selors are authorized to review and retain the statements. The Counselor and Deputy Counselors are responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this part. An agency may not disclose information from a statement except as the Civil Service Commission or the agency head may determine for good cause shown.

§ 10.735-410 Effect of employees' statements on other requirements.

The statements of employment and financial interests and supplementary statements required for employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

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